

**REPRESENTING LAW, IMAGES AND JUSTICE: A  
STUDY OF THE VISUAL CULTURE OF COURTS IN  
INDIA**

*Thesis submitted to Jawaharlal Nehru University  
in fulfilment of the requirements  
for the award of the degree of*

**DOCTOR OF PHILOSOPHY**

**RAHELA KHORAKIWALA**



**Centre for the Study of Law and Governance  
Jawaharlal Nehru University  
New Delhi 110067  
India**

**2017**



31 March 2017

**DECLARATION**

I, Rahela Khorakiwala, declare that the thesis entitled “**Representing Law, Images and Justice: A Study of the Visual Culture of Courts in India**” submitted by me for the award of the degree of **Doctor of Philosophy (PhD)** of Jawaharlal Nehru University is my original work. This thesis has not been submitted for any other degree of this University or of any other University.

*Rahela Khorakiwala*

RAHELA KHORAKIWALA

**CERTIFICATE**

It is hereby recommended that this thesis be placed before the examiners for evaluation.

*Amita Singh*  
Prof. Amita Singh

Chairperson

*Pratiksha Baxi*


Dr. Pratiksha Baxi


Supervisor

*Mani Shekhar*

Dr. Mani Shekhar Singh

Co-Supervisor

 प्रो. अमिता सिंह/Prof. Amita Singh  
अध्यक्ष/Chairperson  
विधि एवं अभिशासन अध्ययन केन्द्र  
Centre for the Study of Law and Governance  
जवाहरलाल नेहरू विश्वविद्यालय  
Jawaharlal Nehru University  
नई दिल्ली/New Delhi-110067

 पर्यवेक्षक/Supervisor  
विधि एवं अभिशासन अध्ययन केन्द्र  
Centre for the Study of Law and Governance  
जवाहरलाल नेहरू विश्वविद्यालय  
Jawaharlal Nehru University  
नई दिल्ली/New Delhi-110067

*For*

*Mom & Dad*

*Whose support and faith in me made this possible*

## ACKNOWLEDGMENTS

I would like to express my appreciation and gratitude for my supervisor, Dr. Pratiksha Baxi whose work, encouragement and enthusiasm has inspired this thesis. Her critical feedback, attention to detail and unlimited sources of data and knowledge have been invaluable resources for this research project. Our conversations have been vital to my academic growth and have strengthened the core of my thesis. I must also thank Dr. Baxi for pushing my limits and not allowing me to submit a thesis that I was ready to but was not up to her standards. I am most grateful to Dr. Baxi for her patience and kindness when my father was unwell. It was her support at that critical time that allowed me to continue in the PhD programme. For her understanding and support when I needed it the most, I will always be indebted to her. Without her guidance and support, not only as an intellectual but also as a mentor, this thesis would not have been possible.

I am deeply indebted to Prof. Peter Goodrich who has supported me and my work right from my time at NYU till date. My thesis borrows from his work and he has been an invaluable resource to my development and growth as an academician. To his humour, wit and amazing vocabulary, I always remain in awe. I am also grateful to him for making a special exception and guiding my work for one year when I was in New York. His inputs and permanent positive encouragement keep me going.

I would also like to thank Prof. Niraja Gopal Jayal, who has been a role model for me and has always supported and encouraged my work; Prof. Jaivir Singh, for always participating in discussions related to my work and remembering my thesis when he saw the Bombay High Court; and Dr. Mani Shekhar Singh for his contribution to the aesthetic questions in this thesis. I am also thankful to Dr. Chirashree Das Gupta for assisting me administratively, and the staff of the CSLG office – Mohanlalji, Naresh and Sumit, along with the librarian, whose numerous tasks added up to making this thesis possible, including the guards who worked 24/7 watching over the Centre, making it possible for me to safely work for long hours in the computer cluster without any worry.

A special thank you to Prof. Amita Singh for her supportive words over the course of my time at JNU and for her immediate and unquestioned help in the submission of this thesis while I attended to my father who was critical.

The fieldwork for my thesis was possible through the numerous judges, lawyers, court staff and press reporters whom I spoke with and I cannot name owing to restraints of confidentiality, and who so willingly gave me their time and shared their views with me. The core of my thesis is a reflection of their support of my academic work.

In Bombay, I am thankful to; Rajan Jayakar for sharing the wealth of information he has gathered over the year; Mr. Nakashe for permitting me to use the Bombay High Court library; Justice Gautam Patel for supporting my academic endeavours; and Kruti Garg for her informative walking tour of the Bombay High Court.

In Madras, I am thankful to; Sriram Panchu, a mentor and friend who has taken great interest in my work and supported me in ways that I remain indebted to him for; Swethaa Ballakrishnen, for training me on everything Madras so I understood the city better; Anusha Jegadeesh, who shared all her contacts with me so I knew people when I landed in Madras; Tekur Krishnamoorthi, the former curator of the high court museum, who was so welcoming and open-hearted, and for all the books and knowledge he imparted to me so willingly; the staff of the Judge's Library who were most helpful and encouraging of my work; and a special thank



you to all the staff of the Madras High Court, who in their different capacities made this court the most amiable field to do research in.

In Calcutta, I am thankful to; Sonali, Pronob and Anwasha Halder, whose hospitality knew no bounds and who provided me the warmest home to stay in Calcutta; Sarvapriya Mukherjee, who on one request, gathered all the resources necessary to help me collect the data for my research, I remain grateful to him for his support towards my work without which I would not have been able to navigate the lawyers of the Calcutta High Court; Prof. Amlan Dasgupta and Sujaan Mukherjee for providing me a host of information on the Calcutta High Court, along with special details on the pillars lining the front façade; Jaydeep and Jayeeta Kar, for sharing their resources and contacts with me; and Suvajit Chakraborty, Ashish Sodhani and Poulomi Saha for trying to help in all ways possible.

In Ieper, I am thankful to; Beatrijs Deconinck, Jacques Van Malleghem and Pieter-Augustijn Van Malleghem who appreciated my passion on the link between Calcutta and Ieper, and who so willingly met me, showed me around Ieper and shared all their resources so that I could collect all the data necessary, specially Beatrijs who opened up her oldest collections for me and for believing so positively in me as a researcher; and Dominiek Dendooven, who, on a last minute request, took me around the museum even though it was closed, provided me with information that has been priceless for my research work, and shares the same passion on the Calcutta-Ieper link as I do.

I am thankful to; the law offices of M/s. Federal & Rashmikant who have shared all their resources with me over the years; my uncle Habil and cousin Huzaifa Khorakiwala who so willingly have shared their house with me in Delhi and made my stay most comfortable while I wrote this thesis, along with all the staff at the house who have taken such good care of me; my friends; Acquino Vimal, for being as interested in the monkey judge and for sharing his resources to help with my research; Dwayne Fernandes, for his companionship in the blackhole of the computer cluster; Karan Singh Tyagi, my true Bollywood hero and inspiration for knowing that I should also follow my dreams; Mohsin Alam Bhat, for his numerous debates and conversations and for always feeding me chocolate at the right time; Swastee Ranjan, who has stood by me and kept me positive while I have dealt with, what she calls, my own Kafkaesque world; and Swethaa Ballakrishnen, for her guidance at the required time, her frequent and much required TED talks, and for always reminding me of my true worth.

I am thankful to; the ICSSR for providing me the means for attending the conference in Belgium which led me to discover so many more facts about Ieper; the organisers and academicians of the IGLP Workshop, for allowing such a positive expression of my work; Prof. Ratna Kapur who has been so encouraging and provided extremely useful feedback that has strengthened the arguments of my thesis; and Prof. Günter Frankenberg for giving direction to an otherwise headless conclusion.

I am greatly indebted to my very own mini-editorial team – Ameera, Dwayne, Karan, Mohsin, Ateya, Swastee and Murtuza – all of whom proofread my chapters even though it was a subject not from their field, and all under great time constraints. Thank you for picking up those errors that I could no longer see.

I am grateful to my family; my in-laws Rashida and Mufazzal Federal, who have supported me and my family in a multitude of ways, along with ensuring that it was possible for me to relocate to Delhi and pursue my career; and for being the strongest pillars of support through my father's illness.

For the thankless support in a multitude of ways; my older sister, Ateya Khorakiwala, who has always made time for my work even in the midst of her own pressures, and by doing her PhD

herself, has been my biggest inspiration; my brother-in-law Daniel Leithinger, for being a backbone of support through this process.

My younger sister Ameera Khorakiwala, who has held the fort strong back home so that I could move to Delhi without worry; and has always provided the intellectual and practical support that I have needed, at the oddest and most inconvenient times, from across the country; without ever a complaint or sigh.

Importantly, my mom and dad, Rashida and Asgar Khorakiwala, who never let their dreams come in the way of mine; and while dealing with dad's illness, taught me so many of life's lessons. Their constant concern for me made them travel and visit me in the field and in Delhi, just to ensure that I was surviving okay. By instilling in me the love for learning and providing me with every opportunity to grow and be independent, they brought me into this world and made me go beyond myself. Their resilience and positivity has allowed me to focus on my thesis through the roughest of times. This thesis is a reflection of everything they have taught me.

Most of all, I thank Murtuza Federal, my husband and companion throughout this process. He has endured a long-distance marriage, supported me emotionally, and filled in my every gap in order to make this thesis complete. It is because of his unending faith and pride in me that I have survived through this PhD programme. From Bombay to Madras and in Calcutta and Delhi, he has backed me up in ways that are impossible to enumerate and remain examples of the role that he has played in keeping me afloat. To you Murtuza, I remain ever grateful and owe this degree. Thank you.

*Rahela Khorakiwala  
New Delhi, India*

*\*I am submitting this thesis while my father is in the ICU at a hospital in Bombay. For making this possible, I am thankful to my professors at CSLG (Prof. Amita Singh, Dr. Pratiksha Baxi), colleagues at JNU (Dwayne, Nishu), friends in Delhi (Harsh, Yutika), family and friends in Bombay and different cities across the globe (Rashida and Mufazzal Federal, Nita Aunty, Swethaa, Neha), and my father's doctors (Dr. Bhatt, Dr. Doshi, Dr. Punamiya), who held me together and pulled me through, ensuring that I met the deadline. Thank you to all of you for being my saviour angels in this difficult time.*

# CONTENTS

<b>Table of Cases .....</b>	<b>i</b>
<b>List of Abbreviations .....</b>	<b>ii</b>
<b>List of Illustrations .....</b>	<b>vi</b>
<b>Chapter 1: Framing the Research.....</b>	<b>1</b>
Introduction.....	1
Section 1: Framing the Thesis: Law, Visuality and Culture.....	2
Section 2: The Three Courts: Law, History and Memory .....	4
Section 3: Visual Justice: Images of Justice in Courts .....	8
Section 4: Method of Study .....	10
Section 5: Field Experience .....	10
Section 6: Chapter Plan.....	17
Conclusion .....	24
<b>Chapter 2: The Visual Field of Law.....</b>	<b>26</b>
Introduction.....	26
Section 1: Iconography and Semiotics.....	27
Section 2: Relationship between Law and the Image .....	35
Section 3: Images of Justice of the Court and in the Courtroom.....	42
Section 4: Judicial Iconography of Courts.....	51
Section 5: Judicial Iconography and the Statue of Justice.....	73
5.1 The Image of Justitia .....	73
5.2 Contested Statues, Paintings and Murals: Race, Gender and Religion.....	74

5.3 Representing Justitia in Different Times and Places .....	79
Conclusion .....	87
<b>Chapter 3: The Bombay High Court .....</b>	<b>89</b>
Introduction.....	89
Section 1: History of the Bombay High Court.....	90
Section 2: Establishment of the Bombay High Court Building .....	93
Section 3: Layout of the Bombay High Court .....	99
3.1 Portraits in the Bombay High Court.....	109
3.2 Extension of the High Court Building .....	111
3.3 Public Interest Litigation for a New High Court Building.....	112
Section 4: Judicial Iconography of the Bombay High Court.....	132
4.1 The Central Courtroom .....	140
4.2 Law, History and Memory .....	146
Conclusion .....	155
<b>Chapter 4: The Madras High Court .....</b>	<b>158</b>
Introduction.....	158
Section 1: History of the Madras High Court .....	160
Section 2: Establishment of the Madras High Court Building .....	164
Section 3: Architecture and Judicial Iconography of the Madras High Court.....	167
3.1 The Madras High Court Building.....	168
3.2 Layout of the Madras High Court .....	170
3.3 Mapping the Madras High Court Complex .....	177
3.4 The Lighthouses .....	179
3.5 Portraits in the Madras High Court: Justice in the Frame .....	197

3.6 From a Portrait to a Statue: Statues in the Madras High Court.....	199
3.7 Heritage Walks in the Madras High Court.....	206
Section 4: Specific Customs Prevalent in the Madras High Court .....	207
Conclusion .....	214
<b>Chapter 5: The Calcutta High Court.....</b>	<b>217</b>
Introduction.....	217
Section 1: History of the Calcutta High Court.....	219
Section 2: Establishment of the Calcutta High Court Building .....	223
2.1 The Story of the Cloth Hall of Ieper and the Calcutta High Court...225	
Section 3: Architecture and Judicial Iconography of the Calcutta High Court.....	231
3.1 Layout of the Calcutta High Court .....	231
3.2 The Pillars of the Calcutta High Court.....	253
Section 4: Specific Customs Prevalent in the Calcutta High Court.....	262
Conclusion .....	267
<b>Chapter 6: Attributes of Justice .....</b>	<b>270</b>
Introduction.....	270
Section 1: The Name of the High Courts.....	271
Section 2: Language .....	275
Section 3: Forms of Addressing the Court .....	280
Section 4: Dress .....	289
Section 5: Photography, Video Recording, Live Telecasting and Courtroom Sketches .....	300
5.1 Photography and Video Recording .....	301
5.2 Live Telecasting of Court Proceedings .....	303

5.3 CCTV Cameras .....	305
5.4 Courtroom Sketches .....	307
5.5 The Restricted Image.....	310
Section 6: Ceremony and Ritual in Court Proceedings .....	311
Conclusion .....	315
<b>Chapter 7: Conclusion.....</b>	<b>317</b>
Section 1: Law and the Regulation of its Image .....	317
Section 2: Access to Justice .....	318
Section 3: Law as Heritage.....	325
Section 4: Law, History and Memory .....	327
Section 5: Apocryphal Histories and Revised Narratives .....	328
<b>Appendix .....</b>	<b>330</b>
1.1 Before the Law, Franz Kafka .....	330
<b>Bibliography .....</b>	<b>332</b>

## TABLE OF CASES

*Ahmad M. Abdi v. State of Maharashtra & Others*, PIL No. 57 of 2012

*C.P. Gopinath v. Mrs. Leela Govindan and Another*, Madras High Court, C.R.P. No. 2195 of 1981, decided on 26 February 1982

*Emperor v. Bal Gangadhar Tilak* (1908) 10 BOMLR 848

*Inderjeet Kaur Kalsi v. NCT of Delhi and Another*, 205 (2013) DLT 410

*K. M. Nanavati v. The State of Maharashtra* 1962 AIR 605

*Krishnadevi Malchand Kamathia and Others v. Bombay Environmental Action Group and Others*, AIR 2011 SC 1140

*Kush Sahgal and Others v. M.C. Mitter and Others*, AIR 2000 SC 1390

*Queen-Empress v. Bal Gangadhar Tilak*, (1897) I.L.R. 22 Bom. 112

*R v. Sussex Justices, Ex Parte McCarthy*, (1924) 1 KB 256

*S. Ganapathy v. N. Senthilvel*, 2016 (3) MLJ (CrI) 641

*Sajid Ali v. State and Others*, 2013 VII AD (Delhi) 670

*State of Himachal Pradesh v. Kaam Raj and Others*, 2012 (1) Crimes 345

*Suomoto Proceedings in Flesh Trade v. The State and Others*, 2008 (1) JKJ 161

*Zahira Habibulla H. Sheikh and Another v. State of Gujarat and Others*, AIR 2004 SC

346

## LIST OF ABBREVIATIONS

A.D.	Anno Domini
AAWI	The Advocates' Association of Western India
ACP	Assistant Commissioner of Police
AD (Delhi)	Apex Decisions, Delhi High Court
AD 1	Appellate Division 1
AG	Advocate General
AIR	All India Reporter
ASI	Archaeological Survey of India
B.C.	Before Christ
Bal Gangadhar Tilak	Tilak/Lokmanya Tilak
BBA	Bombay Bar Association
BCI	Bar Council of India
BEAG	Bombay Environmental Action Group
Benelux	Belgium, Netherlands, Luxembourg
BHC	Bombay High Court
BIFR	Board for Industrial and Financial Reconstruction
BILS	Bombay Incorporated Law Society
BKC	Bandra Kurla Complex
BMC	Brihanmumbai Municipal Corporation
BOM	Bombay
BOMLR	Bombay Law Reporter
C.E.	Common Era
C.R.P.	Civil Revision Petition



---

CAT	Central Administrative Tribunal
CBI	Central Bureau of Investigation
CCTV	Closed Circuit Television
CH	Court Hall
CHC	Calcutta High Court
CISF	Central Industrial Security Force
Contempt Act	The Contempt of Courts Act, 1971
CPWD	Central Public Works Department
CR	Courtroom
CriLJ	Criminal Law Journal
CrI	Criminal
CrPC	Criminal Procedure Code, 1973
CRPF	Central Reserve Police Force
CSMVS	Chhatrapati Shivaji Maharaj Vastu Sangrahalaya
CST	Chhatrapati Shivaji Terminus
CTO	Central Telegraph Office
CWGC	Commonwealth War Graves Commission
DHC	Delhi High Court
DLT	Delhi Law Times
DMRC	Delhi Metro Rail Corporation
EIC	East India Company
GOI	Government of India
GPO	General Post Office
GT Hospital	Gokuldas Tejpal Hospital
HC	High Court

---

HCEWA	High Court Employee’s Welfare Association
Hon’ble	Honourable
HP	Himachal Pradesh
I.L.R.	Indian Law Reports
IA	Intervention Application
ICLP	Indian Constitutional Law and Philosophy
IGLP	Institute for Global Law and Policy
ILI	Indian Law Institute
ILS	Incorporated Law Society
INTACH	Indian National Trust for Art and Cultural Heritage
IPC	Indian Penal Code, 1860
JKJ	Jammu and Kashmir Judgments
KB	King’s Bench
LL.B.	Bachelor of Law Degree
LL.M.	Masters in Law
LSM	Law Suits and More
MANU	Manupatra
MH	Maharashtra
MHC	Madras High Court
MLJ	Madras Law Journal
NCRB	National Crime Records Bureau
NCT	National Capital Territory
NGO	Non-Governmental Organisation
NJ	New Jersey
NW	North-western

---

NY	New York
NYU	New York University
PA	Personal Assistant
PCMC	Parsi Chief Matrimonial Court
PIL	Public Interest Litigation
PS	Personal Secretary
PWD	Public Works Department
RE	Royal Engineers
SC	Supreme Court
SCC	Supreme Court Cases
SCOTUS	Supreme Court of the United States of America
SCR	Supreme Court Reports
SDNY	Southern District of New York
SUNY	State University of New York
The Guide	The Court Standards and Design Guide
TN	Tamil Nadu
TNMACC	The Tamil Nadu Mediation, Arbitration and Conciliation Centre
U.K.	United Kingdom
U.S.A.	United States of America
VT	Victoria Terminus
WB	West Bengal
WLA	Women Lawyers' Association
WW I	World War I
WW II	World War II

## LIST OF ILLUSTRATIONS

- Image 1: The Supreme Court of Israel
- Image 2: The Supreme Court of Israel as a Replica of the City of Jerusalem
- Image 3: The Library of the Supreme Court of Israel
- Image 4: The Supreme Court of Sri Lanka
- Image 5: The Supreme Court of India
- Image 6: The Federal Constitutional Court of Germany
- Image 7: The Old Fort Prison, South Africa
- Image 8: Front Façade with the Text in Eleven Official Languages, Constitutional Court of South Africa
- Image 9: The Great African Steps, Constitutional Court of South Africa
- Image 10: Large Wooden Doors, Constitutional Court of South Africa
- Image 11: Entrance Foyer, Constitutional Court of South Africa
- Image 12: The High Court of Punjab and Haryana
- Image 13: Aerial View of the Supreme Court of India Representing the Scales of Justice
- Image 14: The Fool Ties the Eyes of Justice
- Image 15: Justice with Two Faces, one Veiled, the Other with Eyes Open
- Image 16: Statue of Justice, Federal Courthouse, Newark, New Jersey, USA
- Image 17: Mural of Justice, Federal Courthouse, Aiken, South Carolina, USA
- Image 18: Mural, Federal Courthouse, Jackson, Mississippi, USA
- Image 19: Northern Wall Frieze, SCOTUS, Washington D.C., USA
- Image 20: Statues on the Roof of the New York State Supreme Court, New York, USA

- Image 21: Sculpture of Prophet Mohammed, Northern Wall Frieze, SCOTUS
- Image 22: Mural of the Statue of Justice, Supreme Court of India
- Image 23: Poster of the Bollywood Film *Talvar*
- Image 24: Comic Strips, Times of India, Mumbai
- Image 25: Image of Justitia, from Barthélémy Aneau
- Image 26: Statue of Justice, Tribunal Militaire, Beirut, Lebanon
- Image 27: Localisation of the Statue of Justice by a *Mumbaikar*
- Image 28: Statue of Justice, Supreme Court of Argentina
- Image 29: Statue of Justice, Federal Supreme Court of Brazil, Brasilia
- Image 30: Statue of Justice, Kansas Judicial Center, Topeka, Kansas, USA
- Image 31: Statue of Justice, Law Courts Building Complex, Vancouver, Canada
- Image 32: Statue of Justice, United States District Court, New York City, New York, USA
- Image 33: The Bombay High Court, Circa 1879
- Image 34: The Neo-Gothic Styled Bombay High Court
- Image 35: Arches and Columns of the Bombay High Court
- Image 36: Spiral Staircases: Exterior and Interior
- Image 37: Staircase leading to the “*saade teen mala*”
- Image 38: Judges’ Entrance, Bombay High Court
- Image 39: A Courtroom, Bombay High Court
- Image 40: The Bombay Bar Association Room
- Image 41: Statue of Mercy and Justice on top of the Bombay High Court
- Image 42: Statue of Justice, Bombay High Court
- Image 43: Statue of Mercy, Bombay High Court
- Image 44: Statue of Justice, Old Bailey Courthouse, London, UK

- Image 45: Carvings and Etchings in the Supreme Court of the United Kingdom
- Image 46: Carvings on the Pillars of the Bombay High Court: Faces of Men with Different Headgear
- Image 47: Carvings of Faces of Men in the Victoria Terminus Railway Station
- Image 48: Carvings on the Pillars of the Bombay High Court: Two Women in Saris
- Image 49: Native Men of Bombay, Rajabhai Clock Tower, Mumbai
- Image 50: The “Monkey Judge”
- Image 51: The “Fox Lawyer”
- Image 52: Aesop Fable of the Litigious Cats
- Image 53: Portrayal of Lawyers on Postcards and Paper Ephemera
- Image 54: A Mug with the Image of the “Monkey Judge”
- Image 55: Carvings on the Pillars of the Bombay High Court: Different Figures of Animals and Birds
- Image 56: Carvings on the Pillars of the Bombay High Court: Snakes
- Image 57: The Glass Ceiling of the Central Courtroom
- Image 58: The Central Courtroom of the Bombay High Court
- Image 59: Jury Bench in the Central Courtroom
- Image 60: Ceremony on the Death Anniversary of Tilak
- Image 61: Plaque with Tilak’s Words
- Image 62: Scene from the Re-enactment of the Tilak Trial
- Image 63: The Palace of Justice, Bogota, Colombia
- Image 64: Orozco’s Mural, Supreme Court of Justice, Mexico: Justice with Vices
- Image 65: Cauduro’s Mural, Supreme Court of Justice, Mexico: Rape, Corrupt Processes and Skulls and Torture and Homicide
- Image 66: Plaque on the Compound Wall, Madras High Court

- Image 67: The Madras High Court
- Image 68: Domes on the Madras High Court Building
- Image 69: Exterior View, Madras High Court
- Image 70: Arches, Madras High Court
- Image 71: Artisanal Work, Madras High Court
- Image 72: The Octagonal Lobby
- Image 73: Dome above the Octagonal Lobby
- Image 74: Fish Tank on the First Floor
- Image 75: Staircase inside the Madras High Court
- Image 76: Long Covered Verandas with Colonnades
- Image 77: Chief Justice's Court Hall
- Image 78: Carved Wooden Panels and Stain Glass Work, Chief Justice's Court Hall
- Image 79: Ceiling, Chief Justice's Court Hall
- Image 80: Stain Glass Work: Owls and Elephants
- Image 81: Sample Court Hall, Madras High Court
- Image 82: Sign outside a Court Hall
- Image 83: Map of the Madras High Court Complex
- Image 84: The Madras Law College
- Image 85: Muslim Prayer Hall
- Image 86: Plaque outside the Creche
- Image 87: The Doric Column Lighthouse
- Image 88: The Base of the Doric Column Lighthouse
- Image 89: The Lighthouse
- Image 90: The Lighthouse at Marina Beach

- Image 91: Corridors with Portraits and Paintings
- Image 92: Paining of Justice Rao with the Maiden Assize Gloves
- Image 93: Statue of Justice Iyer
- Image 94: Statue of Justice Iyengar
- Image 95: Bust of Justice Rajamannar
- Image 96: Statue of Manuneechi Cholan in the Madras High Court Compound
- Image 97: Painting on a Compound Wall, District Court of Tamil Nadu
- Image 98: Plaque at the Base of the Statue of Manuneechi Cholan
- Image 99: Statue of Dr. Ambedkar in the Madras High Court Compound
- Image 100: Statue of Manu in the Lawns of the Rajasthan High Court, Jaipur Bench
- Image 101: The Bell of the Madras High Court
- Image 102: The Seal of the Madras High Court
- Image 103: The Calcutta High Court, Circa 1900
- Image 104: The Calcutta High Court
- Image 105: The Cloth Hall in Ieper, Belgium, Circa 1845
- Image 106: The Cloth Hall after being Bombed
- Image 107: The Reconstructed Cloth Hall
- Image 108: Scaffoldings on the Belfry of the Cloth Hall
- Image 109: The Structure of the Cloth Hall
- Image 110: The State University Plaza, Albany, New York, USA
- Image 111: The Chester Town Hall, Chester, UK
- Image 112: The Holloway Sanatorium, Surrey, UK
- Image 113: Names of Indian Soldiers at the Menin Gate Memorial
- Image 114: Indian Memorial in the Lawns of Menin Gate
- Image 115: The Chief Justice's Courtroom



- Image 116: Busts of Persons Lining the Corridor on the First Floor
- Image 117: A Courtroom, Calcutta High Court
- Image 118: Jury Benches, Courtroom 11
- Image 119: Criminal Dock, Courtroom 11
- Image 120: Staircase below the Criminal Dock, Courtroom 11
- Image 121: Scene from the Film *Mamta*
- Image 122: Post-Independence Statue of Justice, Calcutta High Court
- Image 123: Pillars Lining the Front Façade, Calcutta High Court
- Image 124: Carvings on the Capitals of the Pillars: Fruits and Foliage
- Image 125: Carvings on the Capitals of the Pillars: Figures with an Hourglass and Compass
- Image 126: Carvings on the Capitals of the Pillars: Animals and Birds
- Image 127: Carvings on the Capitals of the Pillars: Human Figures, Foliage and Animals
- Image 128: Carvings on the Exterior of the Supreme Court of the United Kingdom
- Image 129: Carvings on the Capitals of the Pillars: Musician and Writer
- Image 130: Carvings on the Capitals of the Pillars: Man's Head and Man Holding a Crown
- Image 131: Carvings on the Capitals of the Pillars: Animals
- Image 132: Carvings on the Capitals of the Pillars: Man Holding an Anchor
- Image 133: Scene from the Film *Gunday*
- Image 134: Carvings on the Capitals of the Pillars: Statue of Justice with a Blindfold
- Image 135: Carvings on the Capitals of the Pillars: Statue of Justice without a Blindfold
- Image 136: Annual Flower Show

- Image 137: Prize Winning Flowers
- Image 138: Portrait of Dr. Ambedkar Wearing the Gown and Band
- Image 139: *Chopdar*, Bombay High Court
- Image 140: Band for Women Lawyers, Madras High Court
- Image 141: Band with a Stiff Collar and Button, Calcutta High Court
- Image 142: Mourning Band, Calcutta High Court
- Image 143: Sketches from the Madras High Court
- Image 144: Sketch of a Judge from the Bombay High Court
- Image 145: Sketch from the Singur Case in the Calcutta High Court

## CHAPTER 1: FRAMING THE RESEARCH

### INTRODUCTION

As a law student in the Bombay High Court, I walked past carvings, statutes, portraits, and inscriptions, without pausing to dwell on the images of justice that inhabited the juridical field, alongside the precedents of justice (and injustice) lawyers argued in courtrooms routinely. Yet, I inherited a sense of pride in the history that was conserved in the Bombay High Court through a series of events, performances, documents and archives, such that this sense of historicity was also part of my identity as a lawyer. It was when I encountered a wealth of literature on the iconography of justice, courtroom architecture and prolific images of justice, that I decided to research what law, visibility and culture in former presidency courts tell us about law, history and memory. I borrow eclectically from a range of disciplines and sources – visual studies, legal anthropology, aesthetics, legal theory and history – to frame my research.

I have looked at three high courts – the Bombay High Court, Madras High Court and Calcutta High Court. I write about the three high courts in the order in which I studied them and performed my ethnographic fieldwork, beginning with Bombay and ending with Calcutta. These three courts were courts from the erstwhile presidency towns as designated by the British. It is important to note that these three high courts were brought into existence at the same time, in July 1862 through a Letters Patent issued by the Queen. Through the Letters Patent the several existing courts in these three towns were merged and brought under the ambit of one high court each. They were the first of the consolidated British judicial institutions, under the direct control of the British Crown, to be thus set-up in colonial India. The three high courts were all sanctioned at the same time and they started their judicial work accordingly. However, the current buildings that these courts inhabit were built subsequently. The Calcutta High Court was completed first in 1872, followed by the Bombay High Court in 1878 and the Madras High Court in 1892. The original buildings from the late 1800s are still the main court buildings for these three high courts. Therefore, there is a link between these three courts, having all commenced at the same time, under the same rules and regulations, but each having their own distinct identity. It is for this reason that I have

selected these three high courts for my field research to represent the visual culture of courts in India.

Beginning with ideas of iconography and symbolism I trace the judicial iconography of courts in India and across the world. I follow this through my fieldwork in the former presidency town high courts where I analyse the intersection of law, history and memory. Observing these courts, I document the prolific images of justice abounding their precincts. Using the intersection of multiple approaches and methods, I compare these high courts on different registers to describe the visual culture of each court by highlighting the commonalities and distinct features that mark these judicial spaces. I focus on how court buildings memorialise history and how memory attaches itself to specific courtrooms or court artefacts. I am interested in exploring whether court spaces are neutral or if the judicial iconography has a symbolic effect in these spaces? What kind of images of justice do these spaces then purport? When law influences the way history is memorialised, what kind of narratives do the colonial courts of India invert and relate? How may we then define visual justice; or the relation between law and visual culture? This thesis walks through these high courts asking these questions drawing a visual storyboard for court spaces in India.

### **SECTION 1: FRAMING THE THESIS: LAW, VISUALITY AND CULTURE**

“Visual justice” as a concept, or more broadly, “law and visual culture”, draws upon different approaches and theories of iconography, semiotics and symbolism to reflect on law as a form of representation. Law is then not merely doctrinal where black letter law is treated as what the law stands for. Rather than only think of the law through the written text, the emphasis on the relationship between law and the image displaces the written word as the privileged way of defining law. Through this thesis, I argue that the law may be understood through its ocular representations and different forms of visualisation that manifest in a variety of ways that are constitutive of what we understand by visual justice, or more broadly, the visual culture of law.

By looking at judicial iconography as a starting point, various allegories and images of law and justice come to life and begin to have a new meaning (see Chapter 2). The symbolic power of law and justice is crucial to law’s legitimacy. Hence, the visual, which encompasses prolific imagery, interplays with the iconographical representation

of signs and motifs becoming critical to law. Rather than follow a purely semiotic approach to law, I adopt a socio-legal method to understand the relationship between law and visual culture. This approach allows me to describe how the law, using its various attributes, is able to create an ocular theme that defines its judicial iconography and becomes a symbol of representation for the standard of majesty and dignity that it holds itself to.

In other words, I depart from the model of legal research that largely focuses on the rules of law, interpretation and the analysis of judicial decisions and associated legislative enactments. Rather I argue that when the same legal system is looked at in terms of its judicial iconography, then a new form of socio-legal research of the visual culture of courts becomes possible. This form of ethnography of the visual culture in courts engages with the judicial space, not only in terms of the law that is promulgated from its orders and judgments, but also through the regulation of the visual in the law, the symbolism of the courtroom as a performative space and the constitution of the court as a theatre where justice is not only done, but must also be seen to be done.

The ethnographic work in this thesis focuses on the aspects of the architecture of the courts, the dress worn by the various court actors, the debates over the language that the court uses and the official names of the court that it identifies with, along with the symbolism associated with the ceremony and ritual that is part of the daily routine of the court. The avenues of analysis are not restricted only to the outwardly visual but also to the visual that is controlled in forms of restrictions on photography and video recording in and of courts that speaks of, to borrow from Robert Cover, the ‘jurispathic’ tendency of the law to violently control competing images that challenge its legitimacy (1995:139).

In creating a particular visualisation of court spaces, the law manages to represent itself and create a visual culture of its own. When this visual culture is thus created, the law succeeds in creating a memory of itself that defines not only the present, but even the past and the future. Judicial iconography not only conserves history and memory in specific ways, but also narrates a specific internal history about how law creates and negotiates its symbolic power. Therefore, the visual presentation of law, and in this specific case the courts of law, creates a history for itself that defines the meaning of

judicial iconography for courts and acknowledges the presence of legal symbolism that alters the way the court is perceived, feared and venerated. While research on judicial iconography of courts is prevalent across the world, in India it is a relatively nascent field of research. In this thesis, I explore the visual culture of courts in India hitherto not considered for socio-legal research. The visual field of the law is thus constituted as a field of research, and the theatre of the court is highlighted. The procedures employed, the daily rituals followed and the traditions of the court are all signifiers of law and its relation to history and memory.

## **SECTION 2: THE THREE COURTS: LAW, HISTORY AND MEMORY**

For my research, I travelled to three high courts of India in Bombay, Madras and Calcutta that represent the colonial structures of law that developed under imperial rule. Each court is linked by a common history, while each has a unique ocular theme. These courts provide a common ground for comparison since each court resources its identity and pride through its architectural and iconic history. Yet, each court has a unique story that represents visual justice in distinct ways. The proliferation of allegories, symbols, icons and ceremonies that were initiated during colonial law, find re-interpretation and layering over after independence. Hence, we do not find that there is only one kind of official judicial iconography that exhausts these courts; rather the proliferate experimentations with design, ornamentation and even judicial satire, complicates our understanding of how legal history inscribes itself on the spaces of the courts today.

Law students typically learn that India always had its own local and regional judicial systems, and when the British came, they created their own courts of law and imposed the British common law system of the rule of law and natural justice upon its colony, despite these existing judicial systems (see Cohn 1996, Kolsky 2010, Schmitthener 1968-1969, Singha 2000). While several Company Courts were introduced under the rule of the East India Company, the biggest step in the establishment of a consolidated British judicial system with judges, courts and lawyers in one unified format was introduced by the creation of the three high courts in the British defined presidency towns of Bombay, Madras and Calcutta. Being the first three courts to be set-up in this manner, and to have continued and merged into the Indian legal system post-independence, they define the framework within which I look at the visual representation of law and justice in India.

As Mithi Mukherjee (2009) argues, when India gained independence from the British in 1947, it did not mark a break from the colonial past that India had inherited over the past two hundred odd years. In fact, the Indian state continued to evolve under, what Mukherjee terms the, ‘shadows of empire’ (2009:xiv). While analysing the three colonial high courts in the contemporary context it must be remembered that these law courts were established under colonial rule which inherently comprised of the principles of ‘domination and subordination’ as noted by Radhika Singha when she debates the despotic nature of colonial law and the way colonial notions defined what law and order meant in India (2000:xi). Further, at the time of independence, India carried forward a substantial degree of rules, laws and administrative principles from the colonial period. One of the most important aspects that was carried forward was the judicial system. Law students are also told that even when the Constitution of India was written, it incorporated most of *The Government of India Act, 1935* which was a colonial enactment, along with borrowing principles from the constitutions of various western democracies (Mukherjee 2009). In the context of this thesis, the most significant part that followed through after independence, in the form that they were established, were the first three high courts of 1862 from the erstwhile presidency towns of Bombay, Madras and Calcutta. The laws that were used to create this judicial system were also used to legitimise colonialism and its ideologies (Kolsky 2010).

The unique colonial influence and the merging of these three high courts into the Indian legal system as developed with the adoption of *The Constitution of India, 1950*, places them in a different scope of judicial iconography from other courts that have been analysed in a similar context. The particular colonial history that these courts bring forward was evident through the course of my fieldwork and is an integral part of the understanding of how the study of iconography and semiotics is exclusive to this particular Indian context. Thus, the cultural influence on the visual imagery of the law is influenced by the historical setting of the judicial institution itself. Notably, historians often write about the positive influence of the empire on India (see Ferguson 2003, James 1997) failing to acknowledge the impact it had on altering the existing traditions under the strong belief that the native Indians needed reform (Kolsky 2010, Mukherjee 2009).

A critical aspect of domination of colonial law was exhibited through colonial architecture, a point that is further elucidated through the course of this thesis. Elizabeth Kolsky (2010) documents that the entire notion of colonialism was linked to a superior over inferior relationship and the imperial masters portrayed this principle in several ways, the most prominent being through their buildings, the judicial system and the courts of law. Kolsky (2010) contends that it was on this very belief of superiority that the preservation of the empire continued and succeeded. Ian Baucom notes that in the post-1857 era,<sup>1</sup> vast sums of money were spent on building projects as it was believed that, ‘the identity of the empire’s subjects was to a significant degree a product of the objects and structures which they beheld and inhabited’ (1999:79). Baucom argues that the belief at that time was that there was an, ‘analogous relationship between architecture and the arts of imperial rule’ and therefore, the British used architecture, not only as symbol of empire, but also as an, ‘implement of imperial governance’ (1999:79). For the British then, this became a means of disciplining the colony by changing the framework of the colonial space and also by adding the required elements of “English morals” in order to dominate the native Indian (Baucom 1999).

In 1878, the understanding for British India was that these Gothic built edifices with their distinct architectural features, which were English in idea and construction, would cause the native Indian to cow down and ‘behold the colonist’ (Baucom 1999:79). The entire notion of creating these buildings was to maintain the British ideals while being constructed at the most important sites of the colony. The courts of law were part of this identity that the empire wanted to create. Colonial law propagated through these colonial structures therefore plays a specific role in the visual histories of the three high courts under study in this thesis. The despotic tendencies of colonial law are embedded in the very framework of these courts creating a specific imperial imagination of iconology, symbolism and signs in an ocular setting. The way the Bombay High Court, Madras High Court and Calcutta High Courts have been structured represent a feature of colonial governance wherein they controlled the colonies through a specific design of imperial polity that has continued in their post-colonial form.

---

<sup>1</sup> In 1857, there was a *sepoy* (Indian soldier) mutiny which is often considered as the first war for India’s independence. The mutiny eventually led to the dissolution of the East India Company and a change in the British administration of India.



In his germinal work, Bernard Cohn (1996) writes that colonialism was a critical factor in the structuring of the metropole and through this it shaped the modern history of all the colonised places. While India had its own history, along with an existing Mughal system of administration of law and order, when the East India Company arrived, over the course of the years, they still managed to permeate the native culture thereby making British law the law of India (Cohn 1996). This occurred gradually, and was seen through instances like when Persian was replaced with English in the courts of law, and judges were independent appointees as opposed to the existing panchayat system of “judges” being selected from amidst the locals (Schmittener 1968-1969). These important historic occurrences are uniquely tied to the colonial culture of the three high courts that are the primary focus of this study. It is important therefore to understand these courts, their practices and their rituals within this colonial culture of dominance.

These three high courts, that the three cities of Bombay, Madras and Calcutta have, are linked to each other through the Letters Patent that established them in 1862 and to the fact that they continue to function with the same perceived authority and through the same judicial structure that was created for their use in the late 1800s. While the common features of these three high courts link them together, the individual visual culture of these courts creates a distinct identity for them. Reading through the tools of ethnography that I have employed, the specific customs of each court, although different, all speak the same language of justice being represented and identified through different attributes and the contribution of the visual is significant amongst all along with the various remnants of colonial history that abound their structures.

Today, the erstwhile criminal courtrooms in the Bombay High Court, Madras High Court and Calcutta High Court have become sites where memory attaches itself to specific courtrooms or legal artefacts. Following the idea that law is, ‘an active participant in the process through which history is written and memory constructed’, I argue that the memory of history works to constrain the way the law is perceived and pushes for the memorialisation of history in a distinct way (Sarat and Kearns 2002:2). In the case of the Bombay High Court, in particular, the role of history intertwines with politics and creates a site of commemoration within the high court that pushes the law

to be reimagined. However, whether courts of law should be spaces for political memorialisation remains keenly debated.

As Austin Sarat and Thomas Kearns rightly put it, ‘Law writes the past, not just its own past, but the past for those over whom law seeks to exercise its dominion’ and therefore the law, which can manifest in terms of judges or the court spaces, chooses the methods by which to establish its dominion and maintain the dignity and majesty that matters to it the most (2002:3). The court system is structured for this purpose and therefore the memory of historical events can also be controlled by the visual ideas of the court. In certain instances, it is possible that law uses, or misuses, history to justify its actions, decisions and authority. In the way law derives a certain legitimacy, history is also able to derive a certain legitimacy. Sarat and Kearns quote Robert Gordon (1997) to say that, ‘the past is primarily a source of authority – if we interpret it correctly, it will tell us how to conduct ourselves now’ (2002:5). The question remains if the law and courts can be invested with that authority which dictates how one conducts themselves in terms of how they visualise the court. More often than not, the law has to not only account for its own visual representation but adjust it to the social and political demands of the interior and the exterior forces of the court.

The ethnographic vignettes and descriptions of court buildings, specific courtrooms, legal artefacts, paintings, statues, or ceremonial practices that follow, allow us to think about how this history of colonialism is both conserved and represented. Should we think of these as a remnant or as useless and outdated? Or do these become part of the way in which courts mark their identity? Does law only regulate heritage? Or does this visual history allow us to think of law as heritage? If it does, then how does the internal history of law allow us to think of law as heritage?

### **SECTION 3: VISUAL JUSTICE: IMAGES OF JUSTICE IN COURTS**

Judicial iconography manifests itself powerfully through the design of the buildings of courts and by putting on a pedestal the important signifying image of the “statue of justice”. Judicial institutions have a special relationship with the imaging of the statue of justice and this often becomes one of the most powerful symbols of judicial iconography that is debated, discussed and disputed when law regulates images to project its majesty and dignity. In this thesis, I look at several images of the statue of

justice, both within India and outside India and work towards a compilation of these images in terms of the meaning they bring to their court spaces. The difference in the statues seen across the world and the analysis of the meanings attached to each one of them demonstrates the centrality of visuality in law, and indeed of visual justice. The concept is not restricted only to the statue of justice but also to the building structure of the court itself. Looking at court buildings in different jurisdictions has allowed me to describe the different forms of representing justice as also to contextualise the three high court structures that form the basis of my study.

The Bombay High Court, the Madras High Court and the Calcutta High Court have similarities and differences and asking the same questions in three different spaces talks to the larger argument of the visual culture of courts that exists in the first three high courts of India. Looking at each court through the lens of another has been a helpful exercise to evaluate the idea of iconography in these courts and whether it exists in the buildings, the architecture, the procedures and the dress along with in the minds of the persons that use these courts as work spaces. Comparing the courts on various aspects brings forward the alternating views on symbolism in courts of law and their relationship with how law maintains an image of itself in order to control the environment within which it thrives. The three high courts therefore present what can be considered as the first analysis of a developed visual culture of courts in India, which can then be taken forward and applied to other courts in India that have been constructed subsequently.

This thesis thus opens the scope of iconography and semiotics to enter the legal vision of India and exposes the courts of law to new debates and discussions. Certain inherent practices and procedures are integral to the existence and survival of the majesty and dignity of the law and this has a subsequent effect on one form of access to justice. The question to be asked is whether the majesty of the law is critical in the way the law is revered and followed. If the answer is in the affirmative, then the visual culture of the court is of paramount importance as it plays a crucial role in maintaining that image of the law from which it derives its power, dignity and respect and that which directly affects how the courts are approached and perceived.

**SECTION 4: METHOD OF STUDY**

While I engaged in fieldwork in the three High Courts of Bombay, Madras and Calcutta, and used the official histories of these courts as an important resource, my research lies at the intersection of multiple approaches and methods. During my fieldwork, I conducted a participant observation of court proceedings in the three high courts. I also conducted ethnographic interviews with judges, solicitors, designated senior lawyers, lawyers, court clerks, personal secretaries, peons, press personnel and other court staff involved in the functioning of the court to understand their perception of the court and the images of justice that it plays out for them in the forms of different signs and motifs in court. A large part of the resources I have gathered are through the oral history that I have documented during the course of these interviews. Several ethnographic accounts that I draw upon and write about are based on the oral history of the people that are currently associated with the court. In several instances, I have corroborated archival research with the information I have gathered through this process.

Along with this I have also used several secondary sources such as the archives on court architecture and procedure, manuals of the high courts, autobiographies, relevant judgments and newspaper articles. With the available literature and information from my fieldwork, I have compiled a visual archive of the paintings, sculptures, murals, photographs, sketches, advertisements and other images from these courts. I also had the opportunity to speak with different persons associated with the courts from the outside, certain professors who have written about the courts, the different gown makers in the three cities and the journalists that write about the court on a daily basis. For my interviews, I used a pre-prepared questionnaire that was adjusted according to the various court actors I spoke to. Further, I updated it based on the specific customs that prevailed in the different high courts.

**SECTION 5: FIELD EXPERIENCE**

In this section, I narrate my experiences in the field. Even though I had greater access to courts, as a lawyer, my position as a researcher allowed me to appreciate how access to courts is regulated for the layperson. However, for me, in the Bombay High Court, it was fairly simple to approach several judges, lawyers and court staff. Most persons were willing to communicate and answer questions. The Madras High Court was the most welcoming court in terms of academic research as they provided access to various

forms and modes of information, and persons in the court were approachable, amiable and in favour of an academician looking at their court. The Calcutta High Court was hostile at the start of the fieldwork but over time the court became more approachable and provided a mine of resources to aid in understanding the colonial legacy of the three high courts and how it has been carried forward in the post-colonial context.

In terms of the visual, the Bombay High Court houses several images that abound its interior and exterior. There are numerous books that document images of the court through which these iconographic aspects can be studied. The Bombay Bar Association, with a history of its own, is also active in bringing to the forefront the various images of justice that exist in the Bombay High Court. Tracing the history of the origin of the court and the creation of its structure, I asked questions to the present day judges, lawyers and court staff about their visualisation of the high court as it stands today. The conversations with persons in the court have informed my discussion and analysis of the symbolism and iconography of the apex court for that jurisdiction.

Having an association with the Bombay High Court as a law student and as a lawyer, along with living in Bombay city, my interaction with the high court stemmed from familiarity. Therefore, I treated this court slightly differently from the Madras High Court and the Calcutta High Court. The questions I asked here were of a modified nature and the analysis was one that I attempted to separate from my practice in the court. Definitively, in the past, I had not observed the Bombay High Court through the lens of judicial iconography and my introduction to the visual field of law altered my viewing position of the court. The references to iconographical work and literature become clearly defined in the court spaces of the Bombay High Court. The attributes of justice come alive in terms of how the law visualises justice and the tools it uses to settle these debates. The majesty and dignity of the court is brought out in the small and big daily rituals and in the same way that it imposes itself on court actors, it manages to navigate and permeate through to all persons who enter it.

Therefore, I would find myself bowing, not only while entering and exiting the courtrooms, but also while entering and exiting a judge's chamber after conducting an interview. I attended court dressed in black and white, allowing the uniform to provide me with a certain sense of legitimacy, but still not completely as I would not wear the

lawyer's black robe or the prescribed white band. In the case of the Bombay High Court my uniform was not of much debate even though the actors of the court were clear that their uniform was a necessity to keep them apart from those who were "outsiders". Interactions became permissible when they were anonymous and questions that were tagged as controversial were either not answered or approached with caution.

The didactic hierarchy of the court manifested in several ways, the most striking of which was my interaction with a Judge who, upon seeing my interview request letter, decided not to speak with me. However, the Judge chose to inform me of their decision themselves. On entering the chamber, the first question asked was whether I had requested to interview judges in order of seniority. I was told to correct this action and then approach the concerned judges, as per the court mandated hierarchy. Junior judges, who had only recently been elevated to the Bench, spoke to me freely about their dealings and interactions with the court. It almost felt as though they had not yet been completely formalised into the hierarchy of the court, and as soon as they would, a distance would be created between the one who sits elevated and the one who looks up towards justice.

The sharing of personal stories and anecdotes was an interesting aspect of my interactions with lawyers and court staff in the Bombay High Court. The court was a space where they belonged and a space they identified with. This was also evident in the fact that most persons in the Bombay High Court had noticed the carvings and design work around the high court pillars, although they might not have known the significance or symbolism behind them. This was different from what I noticed in the Calcutta High Court where not everyone had observed the carvings that adorn the front façade of its building. While attending a walking tour of the Bombay High Court, conducted by a conservationist architect, some attendees turned to ask legal questions related to the court. I was presented with an opportunity to talk about the Tilak plaque, jury trials and other explanations of the symbolism of the court that occurred through the presence of the idea of judicial iconography.

Therefore, the study of the judicial iconography is important in terms of re-examining the meaning of justice in terms of the way it is projected. Observing the primary feeling towards the Bombay High Court as one of awe, it becomes imperative to notice the role

that the law plays in controlling this created image. Starting with observing this court, certain procedures appeared as routine. However, when viewing the same processes outside of a familiar setting, in Madras and Calcutta, the processes developed as more than only a daily ritual but those that assisted the courts in maintaining their legitimacy. I looked at the Bombay High Court first and then revisited it in light of my fieldwork in Madras and Calcutta, and the processes, procedures, signs and symbols within the Bombay High Court became more apparent and evident. Hence, I hope to contribute to the literature on how the image is represented in terms of law and justice by documenting the visual culture of courts in India.

The Madras High Court was the court that was most open and welcoming during the course of my fieldwork. The idea of a researcher writing about the high court was taken to positively and appreciated by most. Several persons wanted to provide information for the purposes of spreading awareness about the court. Judges, lawyers and court staff willingly spoke to me and answered questions related to my research and even provided me with the available research material in certain cases. Persons in the court were well aware of the history from where the court came and of its most popular rendition in the form of the lighthouse on top of the high court. Judges, lawyers and court staff described the high court passionately and several judges and lawyers were actively involved in restoration works to retain the original features and characteristics of the 1892 building.

While on one hand the court was open to research and allowed me access to various resources, on the other hand, the culture that permeated the court allowed for them to be curious about the status of a female researcher. While I had my set of questions for the court actors, every male respondent I interviewed had one common question in exchange. They all asked me if I was married. Some extended the question to whether I had children. One person offered me blessings in order to have a child soon. Though research and academia was supported there was surprise that it was being conducted by a woman alone. Many people asked me how my family had permitted me to come alone, and how I was able to do this research alone. Further, I wore the colour black and white to court for purposes of maintaining the dress code in some regard, but I interchanged this between wearing western formals and Indian formals. The dress code I followed did not raise any eyebrows as much as the fact that I had been permitted by my family to research alone. My marital status was reassuring for several persons. It

was interesting to see these dynamics play out within the court space where judgments were made based on curiosity.

While I sat in court and made notes or walked around and observed, many persons would ask me my purpose and offer to help. Approaching persons for interviews was permissible as long as I maintained anonymity. The Madras High Court was the most accessible court in terms of approachability and resource availability. This analysis is in comparison to the Bombay High Court and the Calcutta High Court. While I was able to gather information in the other two courts, I faced the least resistance in the Madras High Court.

Observing the court and its functioning over time indicated that they accepted that they had a colonial heritage but were ready to move ahead into a legacy of their own. Several old colonial practices, that have been abolished by statute, do not find customary following in the Madras High Court, unlike the case of the Bombay High Court and the Calcutta High Court. There is a strong sense of “Tamil” culture that the court identifies with but does not impose wholly on an outsider. My inability to communicate in Tamil did not prove to be a hindrance in personal interactions. Therefore, this high court is unique in its capacity to maintain its own identity and still stand out as one of the first high courts to be established in India that continues its legacy and practices till date. The visual field of law created by this high court encompasses several iconographical symbols, signs and characteristics that become representative of the visual culture of courts in India. One of the visual fields I explore in relation to the Madras High Court is the opposition to the statues placed in and around the court and the relationship with newer statues that have been placed post-independence.

Interviewing judges, lawyers and court staff in the Calcutta High Court allowed for a new space of understanding and discussion on the court that was built in the city that was at that time the capital of British India. Having witnessed the Bombay High Court and the Madras High Court, the Calcutta High Court presented an alternative perspective to be viewed from and mandated that different questions be asked and new propositions be looked at.



My initial few days in the Calcutta High Court were faced with certain hostile experiences that challenged the method I had used to approach the field till then. To access the persons associated with the Calcutta High Court I had to create a different method and once I had crossed this barrier, the high court became more accessible. However, there were still several persons who chose not to answer all my questions and anonymity was a necessary pre-requirement. The strongest reaction that I received was from the Judge's Library. Having been granted access to these libraries in the Bombay High Court and the Madras High Court, I took it for granted that the case would be the same in the Calcutta High Court. While I approached the library for research work I was sternly informed that the entire space was a 'secret space' and that I had no right to enter it. I was asked to leave immediately. When I was later granted access through the assistance of a judge of the Calcutta High Court, the hierarchy of the court became stark. While the persons in the equation remained the same, the dynamics had now completely changed. The use of the word 'secret' is important as each person plays a role in visualising the judicial space and then attaches their own legitimising tools to this notion. Therefore, the idea of shrouding the law in secrecy works towards the law creating a distance from where it can be viewed with a demand to observe it in terms of its dignity and majesty. While the end result is the same, the means employed can be different based on individual perceptions.

Another aspect of the Calcutta High Court that was prevalent was that most people did not know have a lot of information about the history of the high court building other than the main fact that it was designed on the basis of the Ieper cloth hall in Belgium. It was surprising that several persons who entered the court on a regular basis had not observed the designed capital pillars. Further, on the occasion of the 150 year celebrations of the Calcutta High Court, the pillars were painted and the original colour of the Caen stone has now been covered. Additionally, a walkway has recently been constructed that connects the main high court building to the centenary building of the high court. Due to its structure and position, it covers half of the front façade of the Calcutta High Court when looking left from the main entrance under the central tower. Therefore, when the high court is now looked at from the front, the full set of twenty-four pillars is no longer visible.

Unwritten rules were followed in an arbitrary manner around the Calcutta High Court. One aspect that was important was the dress code. While in the other high courts I did not need to wear the lawyer's black gown and the white band, it became a practical necessity in the Calcutta High Court. The rules allowed only lawyers to carry their bag inside the courtroom. Their definition of a lawyer was one who wore the gown and the band and although I was a lawyer, without the uniform I was denied entry. The court did not offer an alternative to keep one's belongings and therefore access became a problem. Even when I wore the gown and band, my dress code remained a contentious issue in the Calcutta High Court. On one day I wore a blue and white striped shirt below the gown and a black jacket and I had people coming and telling me that I was incorrectly dressed and must leave the courtroom. A slight change in the white colour of my shirt and I was chided by lawyers in court by saying that either I should leave the courtroom or not wear the band and gown. This situation occurred enough times for me to re-check *The Bar Council of India Rules, 1975*<sup>2</sup> that prescribe the dresses or robes to be worn by advocates. These Rules are written for advocates who intend to appear before the court. As I was not appearing before the judges, the rules being imposed seemed out of place.

Another issue I faced on access was with two books that I wanted to acquire. The Calcutta High Court had issued two souvenirs, one each on the occasion of the 100 years and of the 125 years of completion of the high court. Initially when I enquired, I was told that the books are sold by one of the administrative offices of the high court. When I went there, initially, the staff refused to entertain me. After several requests they said they had not seen these books before. After a few days of continuous requests, they located the books. When I offered to pay and purchase the books they said since they had not sold them as far as they remember there was ambiguity on what price the books should be sold at. They decided to seek permission from higher authorities. Once they had spoken to them I was called in and informed that now that the books had been located, they had decided not to sell the copies as they are valuable for the high court itself. I tried to point out that they were removed only upon my request, but instead I was offered a 'courtesy photocopy' of the books instead. After spending a week compelling them to locate the books and then being denied access, the entire process

---

<sup>2</sup> Under the *Advocates Act, 1961*.

seemed to speak of the way the court maintained its legitimacy through different forms of denial.

The Calcutta High Court is a court that deals with its legitimacy in a different way from that of the Bombay High Court and the Madras High Court. There was a colonial legacy that pervaded the processes of the court. The court was unique for the observations it offered and the comparative perspective it granted. In the end, I had the opportunity to speak to the maximum number of persons in the Calcutta High Court. Therefore, more often than not, when the law attempts secrecy, it wants to deny access to its interior so as to maintain an image of its exterior. This practice speaks of the visual culture of courts in India through the court first established from the courts that form a part of this study.

#### **SECTION 6: CHAPTER PLAN**

I have divided my thesis into seven chapters. Chapter 1 forms the introduction to my work on the visual culture of courts in India and how the law is represented through its relationship with the image. The introduction makes a case for using iconography and semiotics and the relationship these concepts share with the law, visibility and culture. In framing the thesis, I look at judicial iconography and the various allegories of justice that it purports. To specifically study the judicial iconography of courts in India, I depart from existing anthropological and sociological work by focusing on law and the image; while using socio-legal methods to describe the visual. The chapter also narrates the relationship of the three high courts with law, history and memory along with the colonial presence that continues within these spaces. This section introduces the argument of how law is an active participant in the manner in which history is written and memory is constructed, a theme that is highlighted through the criminal courtrooms of the three high courts. The chapter then introduces the concept of visual justice that exemplifies itself through the images of justice as seen through court buildings and an analyse of the imagery of the statue of justice that forms an important part of the judicial iconography of courts. I then focus on the method of study that I have used which comprises of multiple approaches and lies at the intersection of different socio-legal methods employed. I follow this by a narration of my field experience in the three high courts of Bombay, Madras and Calcutta. The concepts in this chapter form the basis of my analysis and study of the representation of law, images and justice in the judicial

space of India seen through the first three high courts in the erstwhile presidency towns of Bombay, Madras and Calcutta.

Chapter 2 reviews literature on the visual field of law. It is organised around literature on iconography and semiotics that form the link between the different ocular interpretations of courts and courtrooms. The first section introduces the concepts of iconography and semiotics through the work of Erwin Panofsky (1982) and Roberta Kevelson (1987). Following the framework of law intertwined with iconography and semiotics I read and understand the relationship between law and the image. The next section focuses on the visual metaphor in the scheme of justice through the work of Peter Goodrich (1990), along with law's aesthetic policy that manifests in the way law polices various images (Douzinas and Nead 1999). The section focuses on the iconophobia generated towards the images controlled by the law and the complex relationship thus created between law, images and identity. The following section presents the various images of justice as seen in courts and courtrooms. I argue, along with Linda Mulcahy (2011), that court spaces are not neutral and they reflect a particular identity that contributes to the majesty and dignity of the court and its processes.

The next section zooms specifically into the judicial iconography of courts. Here, I expand the framework of looking at the court only as a performative space and introduce the idea of observing the visual in the court. Reading the work of Goodrich (1990) illustrates the didactic nature of court structures and points towards the symbolism that court buildings exuberate. I observe these characteristics by looking at different court structures from across the world, along with two examples of courts in India. Moving from the court buildings as a complete unit, I then focus on the judicial iconography of the statue of justice. To illustrate the presence and most commonly used attribute of depicting justice, I begin with the existing literature on the evolution of the statue of justice as seen in the work of Martin Jay (2003). This is followed by examples of contested images of statues, paintings and murals on grounds of race, gender and religion. I then observe the representation of the statue of justice in different places and across different time frames. The study thus of the visual field of law forms the framework through which this thesis moves ahead to the chapters covering the ethnographic work that I have conducted.

My ethnographic work begins with Chapter 3 on the Bombay High Court. Tracing the history of the Bombay High Court and the establishment of its building, the chapter describes the specific architectural characteristics of the high court building, the judicial iconography that the court presents and the layout of the Bombay High Court. Inside the Bombay High Court, I focus on the central courtroom as an architectural site that Sarat and Kearns (2002) refer to as law's internal history. I further deliberate on how courts sometimes become spaces for political contestations when law memorialises history.

The Bombay High Court is saturated with judicial iconography that symbolises the visual representation of justice. One aspect manifests through the various portraits of jurists that decorate many courtrooms and the lawns of the high court. The presence of some portraits has been contested in the Bombay High Court reflecting on how external histories enter the internal history of the courtroom. Another focus in this chapter is on the Public Interest Litigation (PIL) for a new high court building that is currently being debated and adjudicated upon in the high court. The arguments made during the course of this PIL reflect on law as heritage and question the historicity of the Bombay High Court. While there has been a decision to move the high court, it remains to be seen whether the legitimacy that the court derives from its nineteenth century construct will carry forward in a twenty-first century imagination.

An important aspect of the judicial iconography of the Bombay High Court is seen through the motifs of the statues of justice and mercy that stand atop the high court building. Even though the blindfold became the dominant signifier of justice after the fifteenth century, the statue of justice on the Bombay High Court is open-eyed. There are also satirical depictions of a "monkey judge" and "fox lawyer" seen in the carvings found inside the court building. The neo-gothic structure of the Bombay High Court narrates several instances of legal iconology and semiotics that tie the various allegories of law and justice together.

I then focus on the central courtroom, courtroom number 46, which is imbued with its own historicity. Being originally built as a criminal courtroom, it is the same place where the sedition trials of Lokmanya Tilak were held in 1897 and 1908. The historical

linkage to the Tilak trial has become so significant to this courtroom that it has memorialised law to its own unique understanding and cultural setting. The presence of a marble slab recording Tilak's statement after his guilty verdict was pronounced creates an iconophobia for the visual imagery of this court space. Here, I look at how the courtrooms become a museum with the presence of legal artefacts such as the jury box and/or the marble plaque. It is noticed that, different courts display injustice on their walls that play the role of a reminder of past and present atrocities that should not be carried forward in the future.

The internal history of the Bombay High Court, when traced through the architectural design and ornamental symbolism of its courtrooms, is both a site of conserving history as well as of re-inventing its internal history. The visual narratives of the Bombay High Court allow us to take seriously the way official imagery of courts is produced, organised and consumed.

Chapter 4 focusses on the Madras High Court. The Madras High Court embodies annals of history in different ways from the Bombay High Court and the Calcutta High Court and creates a unique visual history for itself that speaks to the past, present and the future. Narrating the history of the origin of the Madras High Court, this chapter then moves to the establishment of the building of the Madras High Court. Observing the architecture and judicial iconography of the high court details the indo-saracenic architectural style used to construct the building along with mapping the layout of the high court. This is followed by a description of the Madras High Court complex that houses the maximum number of courts in one space in India. An integral part of the complex and the high court are the presence of two lighthouses that were used by the port city of Madras before a new lighthouse was constructed on the beach front. The presence of a lighthouse dome on top of the Madras High Court building has led to several analogies that see the lighthouse as playing the same role as a beacon of justice for the court in the way a statue of justice might be observed in other courts.

The presence of portraits and statues are also significant in the Madras High Court. The installation of certain statues was met with protests in the Madras High Court and reflect on law's iconophobia signalling the deeply equivocal relationship between law and the image it projects. The controversies and debates on statues in the high court ranges from

the pre-colonial period till the current time. The aspect of law as heritage, observed in the three high courts, is manifested through the heritage walking tours that are conducted of the Madras High Court. The heritage and pride of the high court is conserved through these processes.

The following section documents specific customs that are prevalent only in the Madras High Court, ranging from bowing before judges while they walk in public corridors and ringing of a bell at the start and end times of court functioning. The Madras High Court is thus seen to emanate a strong and proud tradition of its own. It is seen to have its own relationship with its regional language Tamil and is the only court among the three high courts that uses a combination of Indian architectural styles in its construction. As has been documented, judicial iconography of various forms is maintained within its court spaces and this adds to the data and discussion on the visual representation of courts in India.

Chapter 5 details the Calcutta High Court, which was the first court to start its judicial work after the issuance of the Letters Patent and it was also the first court to have its building ready for judicial work. The Calcutta High Court presents its own relationship with its colonial past and as one Judge pointed out, the city where it stands was built as a colonial city and continues to be one till today. The colonial linkage is present in the Calcutta High Court along with an adaptation of the Bengali culture from the people that inhabit the court. This colonial association, which is unique to these three high courts, plays a specific role in the way these courts function in the postcolonial era. Colonial rules of subordination and domination that were built into the creation of this structure permeate through the legal fabric of the high court post-independence. Accepting the presence of the colonial in the background assists in contextualising the relationship that this court shares with its own visual culture.

The chapter begins by tracing the history of the Calcutta High Court and the establishment of the Calcutta High Court building. This is followed by the story of the cloth hall of Ieper and its relationship with the Calcutta High Court. The narrative of the apocryphal story about the rebuilding of the cloth hall of Ieper on the building plans of the Calcutta High Court, reflects on the recollection of history in the Calcutta High Court and points to a particular imagination that is embedded in an idea of the colonial

past and present. In researching this story, I look at the memorialisation of the colonial past and explore how this remembrance links to the idea of reasserting the dignity of the court in a way that is not part of its archival or chronological notion of history.

The next section of Chapter 5 focusses on the architecture and judicial iconography of the Calcutta High Court. The Calcutta High Court is built in the neo-gothic style and modelled on a thirteenth century building from Ieper, Belgium. After mapping the layout of the Calcutta High Court, this next part details the pillars that line the front façade of the high court building. The twenty-four pillars have carvings in their capitals of humans, animals, birds, fruits and foliage and form a distinct judicial iconography for this court. The presence of both forms of statues of justice – one open-eyed and one blindfolded, reflects on the court’s internal history as co-existing in simultaneous temporalities symbolised by these iconographic representations within a single historical frame. The final section documents the specific customs prevalent in the Calcutta High Court that include the existence of a “mourning band” along with the practice of calling a “10.30” or a “3.30” that is found to be a part of the court routine. The Calcutta High Court plays a primary role in the narration of a visual culture of courts in India. Being situated in the capital of colonial India, it commenced with additional colonial powers that mark its history as distinct from the colonial lineage of the Bombay High Court and the Madras High Court.

Chapter 6 works towards tying the theory and literature that form the base of the argument with the ethnography of the three courts. Looking at the fieldwork of the three high courts brings these erstwhile presidency town courts together for the first time and contextualises them within the same framework. The three high courts that are a part of this study provide for an analysis of judicial iconography in India that has not been presented before. Creating a visual link between these courts assists in understanding the role of judicial iconography that pervades all judicial structures, ancient and modern. Using a semiotic perspective and understanding the symbolic relations between the existing notions and ideas allows for a transmission of a new meaning through the different signs and motifs. The practical experience and presumed knowledge of various anthropological symbols allows for an interpretation that is linked to the particular historical setting within which the judicial iconography is studied.



The sites I use for this debate are the various attributes of justice, such as the daily ceremony and ritual of court proceedings, the dress worn by court actors, the language used in court, the long-standing debate on the name of the three high courts, the form of addressing the court, the restrictive rules on photography and video recording in court and the ambiguous views on courtroom sketching and live telecasting of court proceedings. Asking questions about these aspects of the legal image provided a certain new meaning to the concept of the visual justice of law.

In my study, rather than looking at the trial as a privileged site for examining the question of the ambivalent relationship between law and the image, I privilege the different courtrooms and attributes of justice in these colonial courts where I can trace the changing images of justice in judicial discourse and understand in what way they relate to how justice is accessed in one form. Although there is literature available about these courts in terms of the work and biographies of eminent lawyers, particular famous cases and a selected historical literature, a similar documentation of the history of imagery and judicial iconography of the Bombay, Madras and Calcutta High Courts was not available and therefore this thesis attempts to document the same. Attending and observing these three high courts allowed for me to ascertain the judicial imagery that was paralleled in these courts having been built during the same time period.

In conclusion, Chapter 7 ties the ideas of the semiotics of law and judicial iconography to the way justice is accessed in courts. Judicial iconography exists in courts and it is a tool through which the court maintains its legitimacy and a particular majesty and dignity for itself. The architectural structure of the court along with the portraits, carvings and courtroom design all form part of the visual field of law. In addition to this form of the ocular, the visual also manifests itself through the language used in court, the way the court is addressed, the dress code followed by persons in court, the name used to refer to the court, the daily ceremony and rituals of court procedure along with the prohibition on photography, video recording and ambiguity on courtroom sketching. Speaking to persons associated with the court along the lines of these different registers points towards the ambivalent relationship that is shared between law and the image it purports. Law tends to control the image thereby controlling the

discourse on the way courts are perceived and viewed in the same way that Cover (1995) evokes the idea of the juripathic tendency of the law.

Bringing the ambivalent relationship that law shares with the image to the discourse on access to justice, the conclusion analyses the association shared between these two ideas. Access to justice can be interpreted in a multitude of ways. In this thesis, and through the concluding chapter, I look at the concept of access of justice in terms of how the law physically restricts the outsider along with how the law theoretically also creates an image of constraint that limits the access of the law. I read this concept through Franz Kafka (2015) specifically in his parable *Before the Law* and how it contextualises this restriction on the access of justice for persons both within and outside the law.

## CONCLUSION

The access to the three high courts of Bombay, Madras and Calcutta allowed me to create a database of the judicial imagery and iconography that manifests in these spaces. The data thus collected creates an archive of the first three high courts of India. Further, it brings these three high courts within the same space and links them together in more ways than one. The ethnographical work is informed by the existing literature available in the field. Looking at courts in various jurisdictions, and across the world, created a base with which to observe the rituals, proceedings, traditions and iconography in these three courts that are over 150 years old. Each court narrates a visual history that talks to its present and defines the ambivalent relationship between law and the image. The three high courts in this thesis create the same paradoxes and add to the existing literature in this field.

The method of ethnographic fieldwork was important to this site of study as the imagery of the court can only be understood in the context of the functioning of the court and can be further classified by the conversations within the court. Being a part of the court processes allowed for me to become a part of the judicial space in order to understand the images of justice that the courts were creating and how they affected the way I have defined access to justice. Being able to look at the three high courts and analyse their data simultaneously was the primary source of information that was available to me as a resource. Being a participant observant to court proceedings created the space for me

to be within and observe from outside. During the course of my fieldwork I interchanged my own roles between being a lawyer and being a researcher. The identity plays an important part in courts of law and the representation of this was brought out in the maximum through the prescribed courtroom dress. The “uniform” became an important attribute to the fieldwork process as it provided access of a different kind.

Reading the literature on the attributes of law that contribute to its maintenance of a particular image of itself and therefore being able to create what it defines as a dignified representation was practically implemented during my fieldwork experience. It was through my presence in the high courts that I could document the visual field of law that had till now only been spoken of in terms of courts in other countries across the world. The study of judicial iconography of courts in India is important to understand the tenuous relationship between law and its own perceived image; and how visual fields of law reflect or even constitute legal subjectivity.

## CHAPTER 2: THE VISUAL FIELD OF LAW

### INTRODUCTION

In this chapter, I review a wide-ranging set of literature to examine how law symbolises itself with particular visual stereotypes that manifest into judicial iconography and legal semiotics of court spaces. When judicial spaces are analysed through the renewed lens of signs, motifs, symbols and architecture, then we arrive at an understanding of how a visual field of law is created. Within this visual field of law there are several aspects that are looked at to draw conclusions about the ambivalent relationship between law and the image. In this chapter then I begin by detailing how approaches towards iconography and semiotics may be meaningfully used to understand law's visual field. This chapter also draws from theories on the relationship between law and the image, and literature on judicial iconography especially the changing iconography of the image of justice.

I look at the courtroom, a contested space with its rituals and ceremonies, internally and externally. The internal perspective focuses on the performative aspect of law as is seen in Sally Engle Merry's ethnography of a family court in Hawai'i where she argues that courts are performative spaces and court hearings are critical sites for the 'creation and imposition of cultural meaning' (1994:36, also see Basu 2012, Baxi 2014, Berti 2010, Bogoch 1999, Mertz 1994). The courtroom is thus the space where the law interacts with what it considers to be outside of itself. The relationship between the inside and outside of law is one of awe, obedience and majesty towards the law. The court turns into a theatre with judicial actors playing their role and the drama relays into this visual field of law. This idea has been at the forefront in the work of Goodrich (1988), Piyel Haldar (1999) and Mulcahy (2011) when they study particular courts, the way they are structured, and the specific architectural characteristics that speak of subordination and control. The different sites in a court space provide various motifs and signs within their unique surroundings and assists in understanding the various ways in which ocular control manifests into the daily court procedures and practices.

In the next section, I look at the whole court itself – the exterior of the court building and how it establishes itself into the judicial iconography of the court. All courts have an iconographical symbolism that plays out and there are certain features and characteristics that are observed across these courts. Similar features exist in the Bombay High Court, the Madras High Court and the Calcutta High Court, which I bring to the forefront through the course of this thesis. Finally, I zoom into the dominant depiction of the allegory of justice, which symbolises the ocular aspect of law by reviewing the statute of justice. The changing iconography of justice is perched on the exterior of the court building (sometimes literally) as well as inhabits the deep interiors of the court.

### **SECTION 1: ICONOGRAPHY AND SEMIOTICS**

Iconography, as Panofsky explains, covers the large domain of ‘images, stories and allegories’ (1982:29). It is the manifestation of subject matter in these images, stories and allegories that lead to certain themes and ideas with which one views a particular object or image. Reading an image through an iconographic lens therefore allows a viewer to not only observe the form of the image but also step away from that viewpoint and understand the meaning that the image attempts to purport. This creates a distinction between these two notions within the same image and therefore any one image cannot be looked at from a singular perspective; it is necessary to look at it as a whole, after observing and understanding all the information related to the image in context to the surroundings that it exists in. There is thus, ‘the visible event and its intelligible significance’ (Panofsky 1982:28) and both together determine the iconography of the image. The artistic motif of an image is the primary sphere of approaching the subject at hand whereas stories and allegories form the secondary content of the subject matter (Panofsky 1982).

Symbols often come about from representation of abstract notions like faith, wisdom and justice (Panofsky 1982). Along with these symbols, the different motifs that abound these images are important. An assumption to Panofsky’s (1982) definition of iconography is that there has been the right identification of motifs present without which the meaning and interpretation of a work of art would completely change. A particular motif alerts a person of an understanding that would substantially change if the motif were removed. If this concept were looked at through the popular

understanding of the statue of justice as she is depicted today, that is, with the blindfold and the scales, then a figure of a woman with the blindfold mistaken for a scarf would change the nature of the image completely. Therefore, ‘a correct iconographical analysis presupposes a correct identification of the motifs’ (Panofsky 1982:30).

Over the years, popular iconographical images have changed their form of representation. Panofsky (1982) details this through the changing scenes of Nativity and Virgin Mary over the fourteenth and fifteenth centuries; and Martin Jay (2003) explains it with the changing image of justice from the fifteenth century onwards. As Panofsky (1982) details, these changing themes are indicative of the influence of a particular time on the art and images surrounding it. This characteristic of iconography makes it a source of information of the period in which a particular image has evolved and becomes a description of the art form, its purpose, the style and the motifs attached to it. It is not restricted only to outward manifestations but also encapsulates the political, religious and social influence of the time period on the objects and stories. In this context, the definition of iconography by Panofsky is relevant,

Iconography is, therefore, a description and classification of images much as ethnography is a description and classification of human races: it is a limited and, as it were, ancillary study which informs us as to when and where specific themes were visualized by which specific motifs (1982:31).

Reading this definition explains that iconography mainly focuses on describing things and this descriptive nature makes it the basis for all further interpretations (Panofsky 1982). Since the surroundings influence it, an iconographical classification helps in establishing timelines, historical facts and authenticity of occurring events. Further, the analysis of an image presupposes that certain basic understandings already exist. Panofsky (1982) explains this idea with the example of a jovial face and an angry face. One assumes that every person can tell the difference between these two expressions, indicating that this is dependent on the personal knowledge of an individual. There might be an instance when personal knowledge is insufficient and at that point one consults an expert but this is also through the ambit of personal experience itself, which guides as to what kind of expert to approach. As important and sufficient as the personal and practical experience is to the use of iconography, Panofsky points out that it still, ‘does not guarantee its correctness’ (1982:33). Therefore, though it appears as if an

image is described based on the motifs understood from practical experience, they are actually interpretations of objects and events in the course of various historical situations. Panofsky (1982) simply explains this with an analogy to a painting of the Last Supper. To someone without a historical understanding of the Gospel, this image would look like, ‘an excited dinner party’ (Panofsky 1982:35). One would necessarily need to familiarise oneself with some Biblical stories to understand the representational themes of an image of the Last Supper. Therefore, though certain practical presumptions do exist, they still do not guarantee the correct iconographical analysis. Significant to this argument is the fact that not only is a literary analysis of an existing image sufficient; the personal experience always still remains indispensable. This is because in several cases there are conflicting writings about the understanding of a certain image. Therefore, the question would be as to which text to follow to reach the correct iconographical analysis of the image. In such an instance the personal experience and knowledge is relevant as the interpreter can read the text in the context of the historical setting and other objects and events that surround the image at that given point of time. Thus, the process of iconography remains inherently relevant.

Along with these actual and practical tools for an iconographical analysis, Panofsky also lists the abstract notion of ‘intuition’ being indispensable to completing this analysis and a final source of interpretation (1982:38). He states that, ‘the more subjective and irrational this source of interpretation..., the more necessary the application of those correctives and controls which proved indispensable’ to the process of an analysis by definition of iconography (Panofsky 1982:38).

As the writer Preziosi summarises, ‘Panofsky’s ‘iconographical analysis’ became a method for correlating visual imagery with other (principally textual) cultural information that would be pertinent to the proper reading of traditional imagery’ (2009:218). This framework as laid out by Panofsky (1982) was useful in analysing images in most contexts. Over the course of time, iconography was treated as a generic term for, ‘the study of visual subject matter’ and it was assumed that all images had, ‘a certain amount of hidden or ‘symbolic’ matter’ which could be understood if read in context to the existing and known knowledge of that work (Preziosi 2009:218).

This understanding of iconography is important when looking at stories, objects and allegories. As Panofsky (1982) writes, the surroundings influence the possible iconographical interpretations. When Panofsky (1982) details and explains how iconographical interpretations occur, in terms of the influence of certain surroundings, there is a presupposition of a certain amount of personal knowledge that also assists in understanding the nature of symbols and signs in a given setting. Therefore, it is relevant to read the important concept of semiotics. Roberta Kevelson adopts the definition of semiotics as that which is, ‘the science of signs, including the transmission of messages of all kinds by means of intermediate sign-systems’ and adapts it to the semiotics of law to explain it as, ‘a scientific investigation of signs peculiar to law: its theory, its practice, its complex codes and manner of representation’ (1994:227).

Based on this understanding of semiotics, the different attributes of justice are analysed in various ways. The scales of justice, which are considered as a representation of justice by the west, are looked at as a, ‘closed universe, a model in which constancy, absoluteness, stability and predictable order were analogous hallmarks of human character, i.e., of firm principle’ (Kevelson 1994:228). Therefore, a “universal” image of justice has an altered meaning when contextualised by different theorists. For Kevelson (1994), the scales indicate the development of two concepts, in a parallel manner excluding the reality that each aspect of the environment behaves in a manner that is representative of itself. Therefore, she says, that if one looks at this traditional image of justice in a modern format, what appears is that these different aspects, though opposing each other, ‘move in concert but not in balance’ (1994:234). This dynamic interpretation of justice then opens up the closed image of the firm scales of justice and appears as ‘dancers in freestyle’ instead (Kevelson 1994:235). Therefore, semiotics allows for one to interpret the icons of justice in a manner that might not have been purported at the time of their inception or have not been analysed in a legal semiotic form till date. Theo Van Leeuwen (2004) further elucidates the idea of visual semiotics through the work of Roland Barthes (1973) on the subject. According to Barthes (1973) the concept of semiotics is understood in two layers: the layer of denotation and the layer of connotation (Leeuwen 2004). Denotation refers to, ‘what, or who, is being depicted here’ and connotation refers to, ‘what ideas and values are expressed through what is represented’ (Leeuwen 2004:5). What is important to note in any understanding of semiotics is that there is a presumed knowledge of certain anthropological aspects



without which any signs or symbols would not have the same meaning. Further, as Leeuwen notes, these semiotic visions have to be seen in context along with some amount of ‘visual stereotype’ (2004:7). The idea of connotation expands this understanding by adding another layer of meaning to the existing semiotic interpretation of a visual representation. Therefore, a second meaning is added to the denotation, which is the layer of connotation.

Leeuwen (2004) recognises Panofsky’s (1982) concept of representational meaning in terms of his idea of denotation linking it to the idea of the basic understanding of a particular visual image being generated from parts of our practical experience and ideas that are already previously known to us. Leeuwen uses two terms to expand the meaning of iconography in terms of semiotics – ‘iconographical symbolism’ and ‘iconological symbolism’ (2004:13). In the former description, the symbolism refers to the object and the additional ideas attached to it. In the latter use of symbolism, the reference is to the ideological meaning of the given visual depiction. Therefore, Leeuwen (2004) uses the term denotation to refer to the representational meaning of visual semiotics and iconography and the term connotation for the symbolic meaning of the same.

The concept of looking at law and semiotics together by merging traditional views of law along with perspectives of rhetoric, social sciences, philosophy and jurisprudence expanded during the Round Tables on Law and Semiotics (Kevelson 1987). Kevelson explains that semiotics is, ‘a distinctive method of investigation in and of itself’ and is not a branch of any other existing discipline (1987:8). In particular, these Round Tables were convened to bring together those new and unexplored avenues of looking at the law that had not been detailed earlier. Disciplines like pure law, natural law and philosophy of the law already existed. The aim of a semiotics of law was to bring various methods under one fold, but not to make it the basis of a ‘single theory’ (Kevelson 1987:2). Therefore, legal semiotics evolved into an idea that, ‘accumulates and evolves its meaning in the very process of self-examination...’ leading to a form of semiotic inquiry of things (Kevelson 1987:3). This system of inquiry and the requirement to define the semiotics of law remained to be an ever-evolving process as was concluded at the First Round Table in 1987 (Kevelson 1987). However, what was agreed to at the First Round Table was that, ‘the law at present is not self-evaluative: a

semiotic perspective will introduce self-correction into the teaching, practice and appraisal of the law which is itself regarded as an instrument for implementing changing social values' (Kevelson 1987:24).

Most important in the field of legal semiotics is to understand that it is multi-disciplinary and therefore is able to encompass the fields of anthropology, economics, political science, sociology, amongst others, and adapt them to develop ideas on the meaning of signs, symbols and motifs in the field of legal iconography (Kevelson 1988). Each discipline brings to the forefront a different angle and thus adds to the overall development and confluence of law and the study of semiotics.

The primary questions that both iconography and semiotics ask are about what an image represents and what the hidden and unseen meaning of that very image is (Leeuwen 2004). These questions are pertinent to the study of the visual culture of courts in India. To ask what a particular image represents and the hidden meaning behind that is also relevant in the context of a judicial iconography of courts in India. Therefore, this thesis raises the relevant questions in order to answer the unseen meaning in the judicial images of courts and look at the semiotic perspective through the representational and symbolic meaning of the things represented in the images created and how they relate to the access and restrictions to approaching court.

An iconological analysis of a particular image looks at the symbols and style of the image and provides an interpretation of the question of "why" behind that particular image (Leeuwen 2004). Quoting Nederveen Pieterse (1992), Leeuwen (2004) agrees that there are sociological and political implications for certain representations found in images.

When examining semiotics from a socio-legal point of view, it involves the description of images and what one says and does with these images leading to specific interpretations of the said images (Jewitt and Oyama 2004). In terms of the resources and rules from where these interpretations are gathered, most people are found to conform to the existing groups and 'sub-cultures' that already exist (Jewitt and Oyama 2004:135). However, as Jewitt and Oyama (2004) indicate, there are instances when society needs to adapt to the changing times and in accordance, there is a modification

of the representations of images. Jewitt and Oyama (2004) provide a very basic and simple example to illustrate this occurrence. Taking the case of the concept of a “bird’s eye view” they explain how it provides for a range of viewing angles – horizontal and vertical. In addition, it allows for an image to be viewed, ‘from above or below (or at eye-level), and from the front, the side or the back’ (Jewitt and Oyama 2004:135). The various viewpoints thus created have a different meaning depending on which angle the person has adopted for observing. The ‘symbolic relations’ that are created can offer the idea that, ‘If you look up at something, that something has some kind of symbolic power over you. At the eye-level there is a relation of symbolic equality’ (Jewitt and Oyama 2004:135). Jewitt and Oyama continue to interpret the various angles and their symbolic meaning by way of extension. They mention that viewing an image from the side often leaves the viewer on the side lines as opposed to a frontal view that allows for maximum participation. In this context, it is important to keep in mind that every image has its own symbolic extension and carries with it a unique iconographical context.

From this experiment, Jewitt and Oyama interestingly note that, ‘symbolic relations are not real relations, and it is precisely this which makes point of view a semiotic resource’ (2004:135). The interpretation of images is thus clearly also influenced by the existing ideas and notions that a person brings forth at the time of viewing. It is a study of these interpretations that expand the concept of semiotics and iconography and allow for them to be read together, and in this context, with a legal angle. As Panofsky (1982) notes, images became ‘windows on the world’ thus allowing for a multitude of image related viewpoints to come to the forefront of debates (Jewitt and Oyama 2004:136). The relevance of social semiotics and its relation with the visual image in particular, is critical for all forms of research in this field of analysis. Social semiotics assists in raising the important questions that need to be asked to further the subject of ‘visual social semiotics’ (Jewitt and Oyama 2004:136). While studying the effects of visual social semiotics, it was clear that an image offered further interpretations, which were often not visible at a first sighting leading to the interplay of ideas from pre-existing social theories and debates. Therefore, relevant, ‘theories and histories’ must be made a part of the understanding of the visual semiotics of an image (Jewitt and Oyama 2004:138).

Interestingly, as has been found by Jewitt and Oyama (2004) in their studies, the presence of semiotic resources aids in adding additional tools and resources to the study of semiotics thereby expanding the scope of representation and interpretation of images. The most important representational meaning that has emerged from the study of visual semiotics is the use of the 'syntax' (Jewitt and Oyama 2004:141). In the case of images and architecture which are, 'space-based semiotic modes', it is a matter of, 'spatial relationships, of 'where things are' in the semiotic space and of whether or not they are connected through lines, or through visual 'rhymes' of colour, shape and so on' (Jewitt and Oyama 2004:141). This factor is specifically relevant to the use of semiotics in terms of art and architecture. There is also an interactive meaning to an image which allows it to create specific relationships between the viewer and the viewed.

The notable contribution of Panofsky (1982) to the concepts of iconography and iconology have been recognised in an article by Christine Hasenmueller (1978). Hasenmueller writes that Panofsky's (1982) work provides an, 'authoritative definition of concepts and methods' (1978:289). Panofsky (1982) also made a distinction between the interpretative forms and meanings of images. Hasenmueller writes about the definition of an image in a dual context, stating that, 'it constituted the point of intersection between reference in art to nature and reference to literature' (1978:290).

Iconographic interpretation is not the first step in looking at an image. Hasenmueller, leading from Panofsky's (1982) work, interprets the three steps for the analysis of an image ranging from a 'pre-iconographic' to an 'iconographic, and iconological interpretation' (1978:290). The pre-iconographic understanding was of the purest form and an iconographic recognition presupposed an already existing notion and idea of cultures, themes and the existing literature (Hasenmueller 1978). The iconographical interpretation was of the intellectual variety. The third part, one of iconology, was explained as that which brought together various aspects connected to the image and linked them to read as one concept, altogether. In this part, there were particular 'underlying principles' that formed a 'synthesis' of the notions leading to an iconological analysis (Hasenmueller 1978:291). The first two ideas of pre-iconographic and iconographic interpretations are more 'descriptive' in their outreach, whereas iconology becomes a 'matter of synthesis' (Hasenmueller 1978:291).

Hasenmueller puts Panofsky's (1982) definition of iconography, images, signs and motifs, in context with the following additional pointers – 'Interpretation of *images* is concerned with conscious shaping of references to "themes and concepts" – further defined as "stories and allegories." *Iconography* is, then, the analysis of systematic associations of motif and literary content' (1978:291).

The idea of the association of content with the iconographical understanding is imperative for the analysis to develop in a given manner. Presupposed notions and contexts are also important in order that the viewing audience is brought to look at the image from the same starting point. While iconography focussed on being extremely clear and effective, iconology focussed on interpretations that went beyond the existing fluent and coherent notions of analysing the given subjects. Therefore, iconography is largely descriptive in nature while iconology is more of an investigative form (Hasenmueller 1978). Through all this iconographical imaging, there is a crucial basis of the recognition of the idea that there is a, '*degree* of culturally shared knowledge' that definitely assists in leading to the conclusions that occur at the end of a discussion (Hasenmueller 1978:293). This cultural linkage and binding aspect forms the basis of certain presuppositions that are necessary when using iconography to explain a particular motif, sign or symbol. In the case of judicial iconography, a statue of Justitia, in any form, would lead to the basic presupposition and linkage to law, legal institutes and/or courts of justice. When one starts a discussion on the image of Justitia thus seen, it is presumed that the audience has made the linkage to law and/or legal institutes.

## **SECTION 2: RELATIONSHIP BETWEEN LAW AND THE IMAGE**

Goodrich argues that the 'visual metaphor' is important in the scheme of justice wherein justice is something that must be visible which captures the 'symbolic presence of law as a façade' (1990:188). To illustrate this point, I cite *R v. Sussex Justices, Ex Parte McCarthy* which held that, '[it] is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done'.<sup>3</sup> To this date, this concept has become a political axiom of sorts when one discusses the proceedings of a legal trial (Goodrich 1988). With this judgment, based on principles of natural justice, the Chief Justice Lord Hewart thus established a long-standing

---

<sup>3</sup> (1924) 1 KB 256.

principle of the visual appeal of justice and its importance and relevance on what must be “seen”. Goodrich is categorical when he states that, ‘[the] requirement of visibility or display imposes strict theatrical requirements’ which emphasises that what always appears to be is what is considered as the manifestation of law (1988:143). This very notion, that justice must be seen to be done, forms the premise and basis on which I have developed the arguments for a visual culture of courts in India.

The important attributes of justice that must be seen to be done include the study of the architecture of courts and courtrooms, portraits on the walls of the courtrooms, statues in and around the court, carvings adorning court walls, the dress worn by the participants of the court process, the language used to refer to the court and the props used in the process of justice, that is, the mace, the black gown and white band. The common thread amongst these attributes are the images of justice they create for the law within the space of a court structure. Reading the literature on iconographical and iconological symbolism allows the courts to be understood in terms of the influence that the surroundings have on them along with interpreting the various signs and symbols linked to the specific historic situation of the three high courts. The visual imagery thus available linked with the cultural information obtainable makes space for the transmission of a new meaning and interpretation through the readings on a semiotics of law. Acknowledging the presence of a “visual stereotype”, as Leeuwen (2004) refers to it, reveals the various hidden and unseen meanings within a legal framework that have existed but not been explored yet.

Looking at the law specifically in terms of its iconography, iconology and semiotics, has developed over the years and been expanded over the course of time. Early Round Tables on law and semiotics produced work that pointed in this very direction. In the 1988 Round Table, Goodrich recognises and denotes categorically that,

Discursive restrictions upon forms of address, time and tone of speech, narrative content and forms of reference combine to create a powerfully oriented genre of legal paraphrase in which *symbolic recognition of the authority of the court* is the overriding message conveyed or, more properly, announced by the law (1988:143, *emphasis added*).

Here, the idea of the “symbolic recognition” of the authority of the court is important. This symbolism is recognised in semiotics and applied to the field of legal semiotics. The symbols that generate the authority may range from the architecture of the court to the dress and language used in the court process. This symbolism purported by the court forms the basis of the relationship that the court has with images of the law. Every court narrates visual stories through these symbols of justice and yet the judiciary and court actors share an ambivalent relationship towards imaging the law.

Reading the work of Cover (1995) relates this ambivalent relationship to the jurispathic tendencies of law wherein law often destroys competing alternate meanings as a direct imposition of violence that stems from the inherent dominating predisposition of the law. In this sense, law exercises a similar monopoly over violence that it legitimises in the form of several rules and regulations that control the way the court is imaged. What is established is that law is not a simple text but one that generates a form of violence, whether symbolic or actual, and these acts are in furtherance of law attempting to maintain this particular legitimacy. The need to protect and maintain the meaning of the signs and motifs that the court chooses to purport is evident in the study of the judicial iconography of various legal institutions.

Goodrich (1988) writes about this symbolism of the law and need for attaining a mandated legitimacy when he details the case of the Haida Indians in a property dispute matter from 1985. Through this case he highlights aspects of dress and language in particular and their relationship with law and the image. Specifically, the Haida Indians chose to represent themselves in court and as a petitioner-in-person they came dressed in their own cultural dress – the attire they wore to depict status and property ownership. Further, they spoke in their own language, even using poetry and song at one instance to convey their arguments. Though recognising the forum of the court as the space to hear their arguments, the judge was unable to rule in their favour, and the judge provided his reasons for the same (Goodrich 1988).<sup>4</sup> Here Goodrich (1988) notes, that even though the judge agreed with the position and condition of the Haida Indians he was bound by the court to follow the letter of the law which did not give him the scope,

---

<sup>4</sup> Goodrich (1998) explains that the case became one presented in a wrong forum and therefore the judge granted an injunction against the Haida Indians’ claims. The arguments on the Haida Indians’ title to and relationship with the islands was irrelevant as the case was about a valid logging licence.

according to the judge, to make such a policy decision. In light of this judgment, Goodrich writes, that when a commoner speaks for themselves, ‘they are unlikely to be heard. It is rather to their benefit to join the community of legal language and to place their civility and fate in the hands of the legal profession’ (1988:146). This covers only one aspect of the debate on the relationship between law and symbolism. The image of the law purported through language and dress is addressed in detail through my ethnographic study in the following chapters.

While attempting to discuss the course of a proceeding in a courtroom space, it, ‘does well to begin by examining th[e] visibility, the physical structure and architecture of a peculiar auditory space’ because these aspects further the notion that even though justice might be seen to be done, it is only seen as such by outsiders to the process and not necessarily those persons whom the process of the court affects the most (Goodrich 1988:148). This argument follows through to the conclusion between the relation of these ocular processes to the actual access that persons have to the court.

In terms of architecture of court buildings itself, there are certain specific aspects that are seen across court structures. Courts are usually built above the ground level, to create an imposing effect over the people that walk the streets along it. Windows in court buildings are generally tall and narrow, and in most cases, inaccessible (Goodrich 1988). Although the entrance to a court will be inviting, in all likelihood entry will be limited to the members of the judiciary who are at the top of the legal hierarchy. With the elevated entrance, as mentioned earlier, the access only becomes more restrictive and imposing. Goodrich summarises, in one sentence, the feeling of a person thus walking to the court, that, ‘the threshold to the court building will be marked and physical access to the seats of justice will involve both a visual and conceptual ascension from the quotidian street to the ritualized space’ (1988:149). These common aspects are noticed across most court buildings in varying forms and features based on the architecture style and the time period of construction.

If we consider law’s relation to the image or to art, we may concur with Costas Douzinas and Lynda Nead (1999) by observing that there is indeed a link between law and art unlike the general portrayal that there is a disconnect between the two concepts. The general perception of art and law, as the authors note, is that, ‘[T]he law of art is



the opposite of the rule of law' and therefore the law is unable to analyse art unless that form of art is a matter of tradition, culture and accepted convention (Douzinas and Nead 1999:1). Only in these forms does the law legitimise any form of art. Douzinas and Nead draw several parallels between art and law, stating on the one hand that art is perceived in terms of, 'imagination, creativity, and playfulness' whereas law, on the other hand, is looked at as a form of, 'control, discipline, and sobriety' (1999:3). This permanent conflict of perception is emphasised repeatedly by the courts of law wherein they share an ambivalent relationship not only with external images but also with those images that are intrinsically linked to their own selves – the very images that the court purports. Reading Cover's argument on the inherent tension between the 'jurispathic' and the 'jurisgenerative' tendency of the law, and extending it to the visual, it can be argued that the law regulates and 'kills' certain images that it thinks compete and/or challenge its legitimacy and power; along with producing particular images in order to constitute the meaning of law and justice (1995:139, 155).

Amidst these conflicts, the law as a field has developed into itself and thus considers itself as a whole without the need for association with related fields that do not fit in law's image of itself. Therefore, fields like art and literature, which are largely abstract and mouldable, create an equivocal relationship when linked specifically to a legal image. Images therefore find themselves to be hidden and sometimes even banished while the courts still attempt to maintain the sacrality of their majestic and dignified image through a stylised judicial iconography. In reality, law has always dealt with images – the very images from which it gains legitimacy and maintains the dignity of the court and the images with which it is inherently conflicted. Douzinas and Nead argue that law foundationally has an 'aesthetic policy' which manifests differently – it may appear in the form of, 'policing images and licensing pleasures', and yet law is the cite where images proliferate (1999:5). Therefore, this policing of the existing images, internal or external, are evidence of the existing relationship between law and the image, however ambivalent this relationship might be.

Douzinas and Nead (1999) argue that the fear of images or the iconophobia inhabits the law alongside the production of iconoclastic images. They argue that there is a paradoxical relationship between law and the image where the ocular is both revered and feared (Douzinas and Nead 1999). The law then has always had a 'visual policy'

wherein it controls the image in order to maintain its superiority and hierarchy along with an ambivalent attitude that permits it to manifest itself in different forms through wigs, gowns, portraits and other objects that exemplify the theatre of the court while regulating an “excess” of images (Douzinas and Nead 1999:9). Haldar introduces the argument of how law continues to be ‘structurally dependent upon aesthetic principles and remains grounded in the rhetoric of the image’ (1999:117). Arguing in the context of the Supreme Court of the State of Israel, he contends that the relationship of rhetoric and the law has been observed over the years in the different architectural styles of court buildings (Haldar 1999). Haldar also acknowledges that there is an existing ambivalent relationship between law and aesthetics because law as justice requires to be seen to be done, the law always needs to stand out from amongst other institutions around it. One of the modes it uses is the aesthetics of ornate architecture (Haldar 1999). It is through this that the law, ‘takes hold of the subject’s mind’ (Haldar 1999:136) and while architectural styles might still attempt to ‘democratize the law’ the atmosphere of subordination and alienation continues to pervade the court structure and architecture (Haldar 1999:130).

Therefore, the law frames different visual policies based on how it can control its own space from within and organise it in a manner that is appropriate for its own legitimacy. Along with the idea of a visual policy of law, Nead uses the concept of a ‘visual language’ that exists and is also used to make ‘justice visible’ by creating a dialogue between legal spaces and official texts (2012:59). This manifests itself in a multitude of ways and leads to the development of the idea of iconophobia that is opposed to the power exerted by an image, leading to varied interfaces between the aesthetic nature of law and the mode by which the image is made subject to the force of law (Douzinas and Nead 1999). Due to the ability of the image to give ‘visible form to invisible powers’, Douzinas (1999) introduces the concept of ‘legal iconology’ and argues for the opening up of this field of study to interpret the aesthetic dimension of the law (Douzinas and Nead 1999:12).

Douzinas and Nead (1999) write about the existence of controversies when it comes to the law adapting to the visual. This is also elaborated upon with examples in the work of Judith Resnik and Dennis Curtis (2011) when they document the several objections that were raised to visual depictions of the law by the actors of the court themselves, in

many instances by the judges of the courts. The work by these authors in this field is evidence of the deeply controversial relationship that law shares with its own images and the level of ambiguity that exists in a visual representation of courts. Douzinas and Nead trace the establishment of common law through these ‘iconophobic’ ideas and draw a parallel with how the churches once banned particular icons and that the courts of law were following suit by banning certain legal imagery and visual representations of justice (1999:8). Not only is the law singularly interested in prohibiting certain images, it is also deeply invested in policing these several images. Therefore, the law has managed to entangle itself in a way that it, ‘loves and fears images, it both prohibits them and organizes its own operation in a spectacular and visual manner’ (Douzinas and Nead 1999:8).

The primary method that the law uses to police these images and thus maintain a form of control over how the law itself, and the audience of the law, visualise the legal auditoria, is through, ‘icons of authority and sovereignty’ and this then becomes, as mentioned earlier, in the words of Douzinas and Nead, the ‘visual policy’ of the law (1999:9). These icons of authority are the attributes of justice that are used for the daily ceremony of the court and include, but are not restricted to, items like the lawyer’s black gown, the wig worn by judges, and the mace that are all a part of the court proceedings.

In a later work Douzinas (2000) continues to maintain that law has made a special effort to create rules with respect to visibility. He attributes this control over visibility to the fact that the law understands, ‘the importance of the governance of images for the maintenance of the social bond’ and therefore the law, ‘helps organise a regime of permitted images and forbidden idols which amounts to a complex legal administration of aesthetics and a related aesthetic organisation of law’ (Douzinas 2000:813). This concept of governing and controlling the images purported is an aspect that has existed with the law over the years and continues to be seen in courts today.

Douzinas (2000) traces the conflict between religion and the image, in the case of both Christianity and Judaism. He traces this discussing how the creation of idols was severely critiqued and campaigned against. With the coming of the Reformation, Douzinas (2000) says that these ideas related to iconophobia became the basis of

common law. 'As the icons were excluded from churches, figures and imagery were banned from the law' making the fear of images a legal reality (Douzinas 2000:814). Through this process Douzinas (2000) notes that the law categorically remembered that policing the images was always necessary. Therefore, over time there have been either no images or very restricted imagery available that denote what law means or elaborate on its visual policy. This tendency made the law 'unrepresentable' as there were no images available, discussed or debated creating a representation of law to come only through artefacts like the gown, robes, wig, mace, gavel, amongst other attributes (Douzinas 2000:825). Douzinas concludes that this creates a kind of paradoxical situation where the law is a, 'combination of blindness and insight' as it purports certain restrained images and has made itself unrepresentable in general. In the end, a visual policy of law, or any existing visual policy, attempts to control not only what you see but how you see also (Douzinas 2000:825). In the same vein, Haldar (1994) also argues that law's image, specially its legal architecture, brings out the paradox of law, situating it as sacred and secluded while inviting legal subjects albeit into its regulated space.

### **SECTION 3: IMAGES OF JUSTICE OF THE COURT AND IN THE COURTROOM**

The visual field of law is manifested in terms of the image that exists both of a court and inside the court and a courtroom. Every court has its own visual narrative which is specific to the relationship shared between law and the image. Existing literature explores the plethora of images of justice across time and space, while reiterating the well-established and known principle that justice should be seen to be done (see Fischer-Taylor 1993, Goodrich 2012, Haldar 1999, Jay 2003, Mulcahy 2011, Resnik and Curtis 2011). In order for a particular appearance of justice to take place, it is important to note that the judicial space is not neutral, it has a particular meaning and contributes to the entire idea of the majesty of the law that is perpetrated on a daily basis and the way in which justice is accessed by "outsiders" (Mulcahy 2011). Due to this there is an equivocal relationship between law and the image. In several instances it has been observed that the courts banish particular images that they believe lower the dignity of the court and this interpretation of the image is often carried out by the judiciary. While on one hand there is the fact that judges do banish these images, on the other hand, they still uphold the principle that justice must be seen to be done. Therefore, more often than not this is a vexed relationship. In other words, the visual culture that inhabits courts, makes it evident that the courts of law are not neutral spaces

and that often they maintain a particular image of justice through which access to courts is restricted. While we have insightful literature on the visual culture of courts in the west, this form of documentation is lacking for courts in India.

Mulcahy (2011) elaborates on the concept of images of justice when she states that the courtroom space can be looked at as a relationship with our own ideals of justice. She argues that the judicial space is not 'neutral' and, 'understanding the factors which determine the internal design of the courtroom are crucial to a broader and more nuanced understanding of state-sanctioned adjudication' (Mulcahy 2011:1). In her description of the courtroom space, jury boxes, witness boxes, barricades, additional space provided to different court actors, all contribute to the legitimacy that court proceedings derive. This legitimacy is not restricted only to the actual process of a trial but is influenced by all these very allocations of place in a courtroom. It is then relevant to question if there is any direct relationship between the space provided in a witness box or the distance placed between a judge and an arguing lawyer.

While focussing on judicial iconography as it exists across the world, reading Mulcahy in particular, the emphasis is on the 'spatial dynamics' that influences the confidence the public has in the court system (2007:384). Mulcahy (2007) debates that the way a courtroom is designed influences the kind of judgment delivered. Therefore, a judgment delivered in a particular court space would differ from one that does not have the key ingredients of a visual nature that specifically uphold the majesty and dignity of the court. In pursuance of this, Mulcahy argues that, 'the shape of a courtroom, the configuration of walls and barriers, the height of partitions within it, the positioning of tables, and even the choice of materials are crucial to a broader and more nuanced understanding of judgecraft' (2007:384). Therefore, she contrasts it with the traditional idea that the courtroom space is neutral. The courtroom space is a contested space and several factors influence the production of justice in its precincts. The judicial iconography can be considered as one such attribute of justice. I do not argue that the courtroom design directly influences the contents of a trial or a particular order and/or judgment received. However, the presence of a particular visual adaptation of the court space certainly influences the relationship between the process of and access to adjudication. Katherine Fischer-Taylor (1993) is categorical when she states that in legal systems performance is all that matters and therefore the courtroom is like a stage

where space, vision and acoustics are all critical to the relationship formed with the given space thus making these aspects an important part of the judicial iconography of courts.

In the construction of a courtroom, an elevated platform is a symbol of hierarchy, a partition between court actors' signals inequality and a form of undefined segregation, and a symbol of the state behind the judges signifies the authority of the state and/or government through which the judge acts (Mulcahy 2007). Therefore, though courts are public structures, it is often felt that a court space is most restrictive to this very public. It is these aspects of judicial symbolism that form the tenuous relationship between law and the image it chooses to purport. All these aspects individually create specific signs and motifs that perpetuate a visual stereotype making iconophobia the norm of judicial spaces (Douzinas and Nead 1999). Though in theory it attempts to be the most approachable forum for public grievances, in reality it ends up being more restrictive than most private spaces.

An example of this is the Supreme Court of Israel (see Image 1). Haldar (1994) writes in detail about the topography of the Supreme Court of Israel, completed in 1993. He symbolises the various architectural features along with the material used to build the court to draw a link to the ornate nature of the law. Haldar (1994) documents the particular architectural design of the court and notes that there are several other aspects, outside of the law, that influence a trial. As Haldar (1994) has observed, the entire court is a replica of the city of Jerusalem where it is located. The stone used for the grand stairway of the court, the street lamps placed along the corridors and the presence of an imitation of the Great Western Wall within the court building are all ideas that have been taken from the streets of Jerusalem (see Image 2). This allows a person entering to forget that they have crossed the threshold into another structure but to allow them to believe that they have never left the outside and are indeed just on another street within the same city space. Once inside the court, Haldar (1994:197) talks of a 'second entrance' that symbolises with the panoptical control as suggested by Jeremy Bentham (1995). The library of the court – with its books, reports and statutes – is below a conical shaped circular tower (see Image 3). For Haldar (1994) this is a motif of the panoptical tower of justice. Therefore, while the books are visibly on display, they are still guarded and unattainable to the person who enters the court. This creates a paradox of vision, a

‘blindness and insight’ at the same time, which allows the court to maintain its legitimacy and control over its space (Douzinas 2000).

The structure of every aspect of a court building is thus analysed in terms of its meaning for everyday justice for the common people. Therefore, though the court is inviting in the sense that it assists a person entering to transit through with ease, once inside, the idea of being both accommodative and transparent somehow vanishes amidst the need to be panoptical and authoritative through its “legitimate” power. As Haldar rightly observes and concludes, ‘[A]ll courts exist in their architectural representations’ (1994:200). The construction of a court therefore is a struggle between what the court appears to be and what it actually chooses to make its own image. Therefore, although courts are open spaces, they are not necessarily “open” in a complete sense.

From the way court buildings are built, with their tall and imposing structures, it is an accepted notion that the court intends to create an aura of fear and obedience to the proceedings that occur within such a structure. As Mulcahy suggests, ‘courts are supposed to be daunting places in which participants are encouraged to reflect on the gravity of law and legal proceedings’ and therefore the building structure furthers this idea (2007:387). Writing about how entrenched this idea of designing the court is, Mulcahy (2007) refers to the *Court Standards and Design Guide* (the Guide) published by the erstwhile Department of Constitutional Affairs in the United Kingdom in 2004. The way the Guide was written clearly indicates that there is a specific design that the inside of a court must adhere to and there is limited creativity that can be permitted in this respect. Mulcahy rightly points out when she writes, ‘As regards the interior of the courtroom there remains minimal artistic discretion. The approach suggested here is one in which the courtroom is seen as a frozen site of nostalgia’ (2007:390). The courtroom design is a “frozen” concept and this is seen across court designs in varied contexts. It is interesting to note that the idea of what a courtroom should be designed as is often decided by actors of the court itself making this a problematic relationship between what the court perceives is the appropriate image for itself and whether that image denotes the appropriate relationship that law should have with its own visual representation. With these frozen ideas taking precedence in courtroom design, the court space thus turns into a judicial arena of no debate or discussion on law’s image and instead into one that has fixed ideologies and concepts creating a visual identity

that leaves little room to be challenged. Even without a manual like the Guide, courts across the world have been implementing certain basic criteria in court buildings that are seen as specific legitimising tools, giving the court the majesty and dignity it seeks on a daily basis. These extend from and are not limited to, the architecture of the building, the kind of portraits and artwork on display, along with the courtroom dress for every actor and the language used in court. It also includes rules that ban photography and video recording of courts, which directly controls the very imaging of court spaces. In controlling the ocular, often the courts control and restrict access to justice creating “outsiders” of the person who are within the sacral space. Examples of this display of judicial iconography are discussed later in this chapter (also see Chapter 6).

Certain aspects of the design philosophy mentioned in the Guide are important to note. The Guide prescribes designs for publicly funded courthouses which further questions the authority that legitimises the images of justice that are purported from such an exercise (Mulcahy 2007). Since the courthouses are publicly funded, they are subject to an idea of the image of justice that the government and/or funding authority deems appropriate. In most cases this comprises of the judiciary as a regulatory authority deciding on their own visual notion of justice that should become the norm along with creating a system of signs, symbols and motifs that give a message to a person entering the court about their status as an outsider to the ritualistic procedures of the court. Coming from a hierarchical order, this form of visual control further perpetuates ideas of maintaining this very hierarchy as it is believed that this formation creates the necessary fear leading to reverence of the court. Without this backing, the court would not be able to derive the same majestic status that is preserved through this form of judicial iconography. The Supreme Court of Sri Lanka deals with a similar question of funding related modification of a court building design. The Supreme Court of Sri Lanka is an interesting sight at first glance (see Image 4). The court is a large building and is surrounded by the Law Ministry and the office of the Advocate General. What is interesting is its architectural style. The style used is a form of Chinese architecture, that is, a conical top that slopes downwards. The reason for this architectural influence is because the Chinese government funded the building of the Supreme Court of Sri Lanka complex (DeVotta 2016). This changed the very definition of the iconic image of the apex court of justice of the country. Judicial iconography in this context tells the



story of a court that is influenced by political and economic considerations and not by local ones. This highlights how design can be impacted based on funding.

Mulcahy (2007) further studies the details within a courtroom space and their relationship with the overall appearance of justice in the court. The most important aspect of this is how the public who attend court perceive the space. Mulcahy (2007) traces the history of old courts in the United Kingdom to recent courts in the country and how they were built in favour of judges and lawyer and how they categorically kept the public out. She also writes about the changing nature of the role of each of these players, and as their importance grew, how their space increased in courts, creating less and less space for the public. There was often a, ‘tendency to see both litigants and the public as irritants in the trial’<sup>5</sup> and therefore courts were built as being large and inviting but in practice were often exclusive and condescending (Mulcahy 2007:393). Mulcahy (2007) documents that this trend has not changed with modern courts and space for seating the public and/or litigants is still of the most constrained nature.

Another aspect seen across courts is the relation of height with hierarchy and authority. Height elevates the judiciary to a point where they can survey the court process and all the people in that specific court space. The idea of the Panopticon plays out clearly here where surveillance can be controlled through an aerial hierarchical view (Foucault 1975). The courts might use the panoptical view in a different way but the purpose of shadowing and observing the required space remains the same. The hierarchy and panoptical setting allows the judge to visually control the court and thereby all the persons’ part of the court process. In this format, the law is able to maintain a control over its own image of supremacy amongst the public. While on one hand the judges – the top of the hierarchy – are provided with a panoptical surveillance, on the other hand, the viewing positions of the public are starkly different. Mulcahy (2007) notes that while there is often a clear view of the judge, which is probably assisted by their elevated position, there is a limited view of the proceedings of the court. In a regular courtroom structure, the public’s, ‘field of vision [is] restricted’ creating a situation wherein, ‘justice is now limited to observation of the adjudicator’ and not of other

---

<sup>5</sup> In a similar vein, some lawyers in the Calcutta High Court believed that to ease the space problem in the high court, litigants and the general public should be denied entry into the court (see later in this chapter).

alternate processes like lawyer's arguments and evidence presented (Mulcahy 2007:396). This selective visibility, in more ways than one, defines the tenuous relationship that the law shares with its own image and forms the basis of the visual culture of a court. The idea of limiting the ocular relates to Jewitt and Oyama's (2004) example through semiotics of how various viewpoints are created and restricted based on the observing point offered to a person. They narrate the concept of a "bird's eye view" to explain how one image can have totally different meanings and motifs when viewed from different angles – from above, below, horizontally or vertically (see earlier in this chapter). Persons who enter court are subject to similar restrictive viewing points creating different symbolic relations based on which direction one is made to look towards – looking up, towards a judge, indicating the presence of a symbolic power that the judge has over the person. If one is viewed at the eye-level it would be considered a relationship of equality; however, courts are known for their hierarchical didactic organisation that narrates power and domination from the top to the bottom.

This differentiation within a courtroom space is not limited to being present inside the courtroom only but extends to spaces outside the courtroom, around the court building and within the court structure itself. These observations focus on the power dynamics within a court based on the physical aspect of a court structure rather than a technical, legal argument. This is important to understand as it is able to control not only who can hear in a court but also what specifically can be heard in that court which has the effect of changing the relationship that the person shares with the judiciary and the legal system, and in particular the way they can access justice (Mulcahy 2007).

Resnik and Curtis argue (2011) that, 'the traditional iconography of courthouses is incongruent with the current practices of the institutions that inhabit them' (Simon 2012:419). However, the design of the courtroom along with its attributes is an important aspect of the judicial process. Resnik and Curtis (2011) trace the evolution of the justice delivery system and how the necessity to build courts also lead to the questions of how these courts should be imaged. The statue of the lady of justice became a symbol of this debate and proved to be contentious in many cases. In a similar context, Jay (2003) traces the changing image of Justitia and the evolving relationship this has with the notion of justice itself (see later in this chapter). In their study of old and new courthouses, Resnik and Curtis find that courthouses are built as,

‘architecturally important structures that are, in some respects, distant from the needs for adjudication and the daily activities of judges’ (2011:xv). Therefore, on one hand while glass might be used to indicate transparency in a modern courthouse,<sup>6</sup> on the other hand, issues like access to justice and free legal aid are problems that are not dealt with. This makes the “transparency” restricted only to a glass façade and does not extend to the actual process of adjudication in most cases. Haldar notes how the specific ornamental legal architecture, ‘provides the background against which justice is seen to be done’ and therefore the classification of various images in terms of specific themes and motifs provides the base through which law takes a hold over the mind of its subjects (1999:135, Panofsky 1982).

Acknowledging the importance of the architectural structure of courthouses, it is important to point out, from existing literature, that earliest courthouses were not placed in large, massive buildings (see Mulcahy 2011, Resnik and Curtis 2011). Court adjudication sessions started by being conducted in open spaces, as was the case in the Athenian democracy, which was a symbol of the public nature of law and a practice followed in India also through the panchayat system (see Cohn 1996, Mukherjee 2009, Schmitthener 1968-1969). This open space itself often created the required space and sight that the law conceived its image as (Mulcahy 2011). Over time when courts became more formalised they entered shared spaces before they became individual buildings of their own. Historically, court proceedings were held in already existing institutions like palaces, forts, churches and the like (Mulcahy 2011). The Bombay High Court, Madras High Court and Calcutta High Court also functioned from shared spaces and buildings that were already in existence till their present buildings were constructed in the late 1800s.<sup>7</sup> It is only from the nineteenth century onwards that magnificent, awe-inspiring court structures were built by hiring specific architects and engineers for the same. Kolsky (2010) writes how colonialism operated on the basic premise of a superior civilisation controlling an inferior one. Mukherjee (2009) notes that the source of justice in British India was the monarch thereby perpetuating the order of control and domination from above. A primary form of expanding the imperial

---

<sup>6</sup> Some examples where glass has been used for transparency are the Federal Constitutional Court of Germany and the Constitutional Court of South Africa.

<sup>7</sup> See the history of the buildings of the Bombay High Court, the Madras High Court and the Calcutta High Court in Chapter 3, Chapter 4 and Chapter 5 respectively.

interests was by occupying more territory and building grand and magnificent structures on these colonised spaces (Cohn 1996). The architectural structures thus created played the role of imposing colonial notions of law through a panoptical surveying viewpoint of the colonisers over the colonised (Cohn 1996). The architectural styles of the Bombay High Court, the Madras High Court and the Calcutta High Court are of a grand and imposing format that was the norm for nineteenth century colonial architecture. This trend of building specific courthouses for the display of judicial work has continued, and is seen in modern courthouses today, with the added adaptation of technological advancements and modern day facilities. Motifs and symbols that point towards a judicial iconography of courts become evident through this aesthetic policy of the law.

One development that has occurred over the years has been that the spatial segregation and division within the court has changed. From an earlier equal space division, courts today are becoming more and more exclusive and the idea of them being “open” to the public is a heavily debated issue. Over the years, the lawyers have assumed more importance and thereby their space in the court has increased pushing the litigant further away from the adjudication process (Mulcahy 2011). While the litigant has become distant, the public at large has become almost negligible. In most courts, the maximum space is accorded to the judiciary, followed by the lawyers, the litigants and if any space remains, then the general public.<sup>8</sup>

Allison Tait (2012) points out that that the work by Resnik and Curtis (2011) has changed the way one looks at a courthouse. The idea of representing justice has led to

---

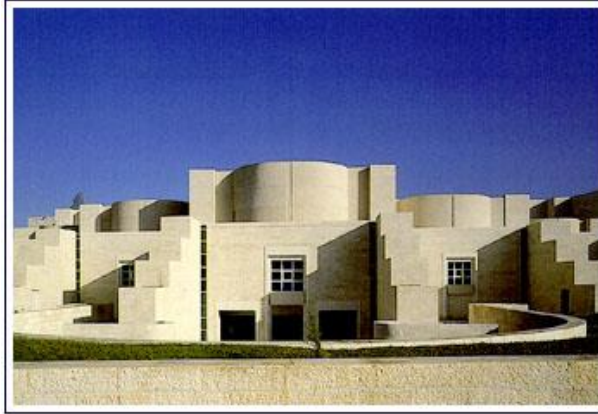
<sup>8</sup> During my fieldwork in the three high courts I often asked judges and lawyers whether they thought the courtroom had sufficient space for all persons. While several persons felt space was sufficient and only a problem depending on the popularity of a case being heard; I noticed that courtrooms were heavily crowded in morning sessions and often finding a space to sit was a challenge. The crowds in courtrooms varied based on the time of the day and the courtroom concerned but in most instances the lack of space was evident and the division of space was apparent. One judge in the Madras High Court noted that the horse-shoe arrangement of the lawyer’s desks in the courtroom occupied excess space and was something if discarded, could assist in creating more space for litigants and/or the general public. A few lawyers in the Calcutta High Court felt that litigants should not be permitted in the high court as in most cases they are not required to interact with the judges and this would then ease the load of the court. While this was a minority view expressed, there was still an idea that there was not a requirement for additional or categorical space for litigants in the high courts. Even though the chief justice’s courtrooms would be the largest courtrooms in use in the respective high courts, they would also have a lack of space due to the demand in those courtrooms. However, a large, divided space for the judges was a constant across all three high courts. The spatial segregation is therefore one aspect of how the court controls its image and thereby maintains its legitimacy.

a, 'creative discussion about the relationship between art, architecture, and the work of courts' (Tait 2012:14). The different objects placed inside and outside a court are no longer observed as ordinary objects of daily use but they have all picked up a meaning within the realm of iconography and the law. A court building is no longer a building by itself but a manifestation of the various icons of justice that abound its structure. Therefore, what Resnik and Curtis (2011) have brought to the study of legal anthropology is that, 'they teach us to train our critical eye to [view representations of justice]. As a result, we do, in fact, see things when we look at a courthouse or a justice image that we may not have seen prior to their timely intervention' (Tait 2012:15).

As is evident from existing literature, law has been analysed in terms of language, dress and ceremony but little literature is available on how visual images of the law have a bearing and influence on the interpretation of various legal actions and behaviours, along with how the court is approached and accessed (Wagner and Pencak 2006). The imagery played out in a courtroom does not perform in isolation but is viewed in conjunction with these different attributes of the court that are a part of its daily ceremony and ritual. Further, the culturally shared knowledge that Hasenmueller (1978) writes about provides the necessary systematic associations to interpret the hidden and unseen ocular projections of the law and its image. Investigating the signs that are peculiar to the practice of law provides for an iconographical description and classification of the visual culture present in courts. Therefore, visual semiotics plays a pivotal role in the life of the law and represents justice through a relatively unexplored field of visual culture.

#### **SECTION 4: JUDICIAL ICONOGRAPHY OF COURTS**

Expanding the framework of looking at the court only as a performative space is where the field of legal anthropology makes way for a judicial iconography of the court to be conducted. The idea of studying the visual in a court space has recently developed and has not yet been explored in India. The germinal work in this field by Douzinas and Nead (1999), Goodrich (1990), Haldar (1994), Mulcahy (2011), Resnik and Curtis (2012), among others, informs of the concept of judicial iconography that I follow in this thesis. Importantly, the context they study allows for a comparison with Indian courts.



**Image 1:** The Supreme Court of Israel  
*Source: The Public Affairs Department, Supreme Court of Israel (n.d.)*



**Image 2:** The Supreme Court of Israel as a  
Replica of the City of Jerusalem  
*Source: The Public Affairs Department, Supreme Court of Israel (n.d.)*



**Image 3:** The Library of the Supreme Court of Israel  
*Source: The Public Affairs Department, Supreme Court of Israel (n.d.)*





**Image 4:** The Supreme Court of Sri Lanka  
*Source: Fernando (2016)*



**Image 5:** The Supreme Court of India  
*Source: Website of the Supreme Court of India (n.d.)*



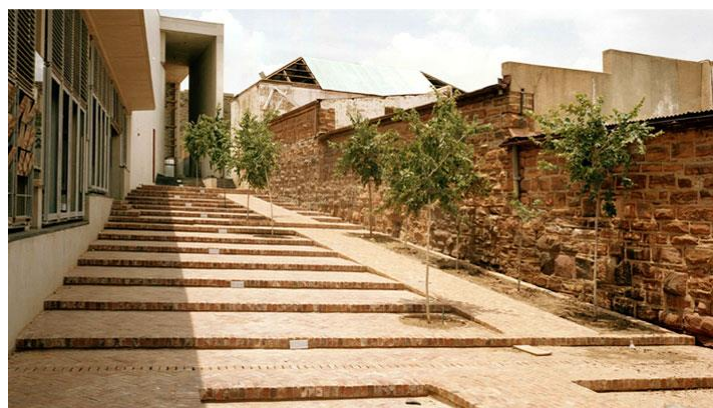
**Image 6:** The Federal Constitutional Court of Germany  
*Source: Helfrich (2004)*



**Image 7:** The Old Fort Prison, South Africa  
*Source: Website of the Constitutional Court of South Africa (n.d.)*



**Image 8:** Front Façade with the Text in Eleven Official Languages, Constitutional Court of South Africa  
*Source: Website of the Constitutional Court of South Africa (n.d.)*



**Image 9:** The Great African Steps, Constitutional Court of South Africa  
*Source: Website of the Constitutional Court of South Africa (n.d.)*





**Image 10:** Large Wooden Doors,  
Constitutional Court of South Africa  
*Source: Rahela Khorakiwala*



**Image 11:** Entrance Foyer, Constitutional  
Court of South Africa  
*Source: Website of the Constitutional Court of  
South Africa (n.d.)*



**Image 12:** The High Court of Punjab and Haryana  
*Source: Website of the High Court of Punjab and Haryana (n.d.)*



**Image 13:** Aerial View of the Supreme Court of India Representing the Scales of Justice

*Source: Website of the Supreme Court of India (n.d.) and Manoj (2013)*





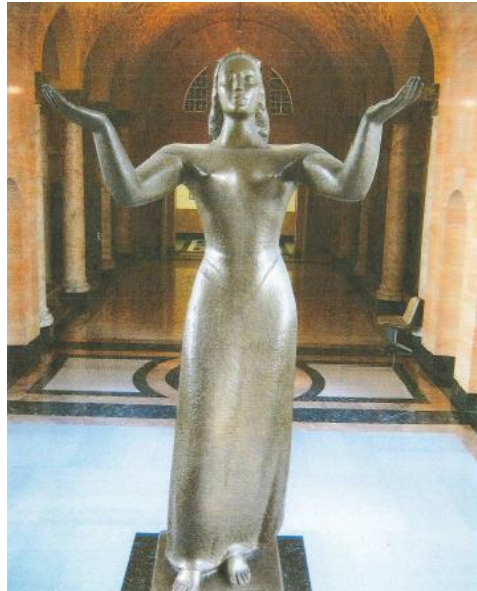
**Image 14:** The Fool Ties the Eyes of Justice

*Source: Jay (2003)*



**Image 15:** Justice with Two Faces, one Veiled the Other with Eyes Open

*Source: Jay (2003)*



**Image 16:** Statue of Justice, Federal Courthouse, Newark, New Jersey, USA  
*Source: Resnik and Curtis (2011)*



**Image 17:** Mural of Justice, Federal Courthouse, Aiken, South Carolina, USA  
*Source: Resnik and Curtis (2011)*



**Image 18:** Mural, Federal Courthouse, Jackson, Mississippi, USA  
*Source: Resnik and Curtis (2011)*





**Image 19:** Northern Wall Frieze, SCOTUS, Washington, D.C., USA  
*Source: Office of the Curator, Supreme Court of the United States (2003)*



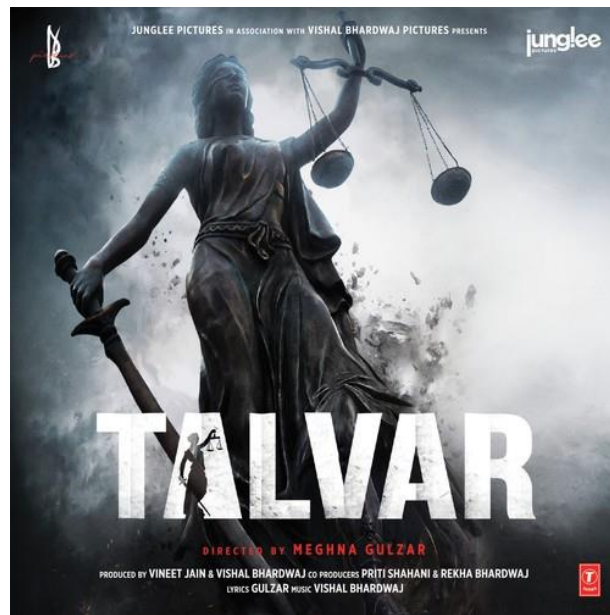
**Image 20:** Statues on the Roof of the New York State Supreme Court, New York, USA  
*Source: Rahela Khorakiwala*



**Image 21:** Sculpture of Prophet Mohammed,  
Northern Wall Frieze, SCOTUS  
*Source: Rahela Khorakiwala*



**Image 22:** Mural of the Statue of Justice, Supreme Court of India  
*Source: Annual Report, Supreme Court of India (2008)*



**Image 23:** Poster of the Bollywood Film *Talvar*  
*Source: Nair (n.d.)*



**Image 24:** Comic Strips, Times of India, Mumbai  
*Source: The Times of India, Mumbai*



**Image 25:** Image of Justitia,  
from Barthélemy Aneau  
*Source: Goodrich (2012)*



**Image 26:** Statue of Justice, Tribunal Militaire, Beirut, Lebanon  
*Source: Ya Libnan (2012)*



**Image 27:** Localisation of the Statue of Justice by a *Mumbaikar*  
*Source: Rahela Khorakiwala*





**Image 28:** Statue of Justice, Supreme Court of Argentina  
*Source: Rahela Khorakiwala*



**Image 29:** Statue of Justice, Federal Supreme Court of Brazil, Brasilia  
*Source: Hanneorla (2005)*



**Image 30:** Statue of Justice, Kansas  
Judicial Center, Topeka, Kansas, USA  
*Source: Photo Album, Kansas Judicial Branch (n.d.)*



**Image 31:** Statue of Justice, Law  
Courts Building Complex, Vancouver,  
Canada  
*Source: Mark Spitzer Designs (2015)*



**Image 32:** Statue of Justice, United  
States District Court, New York, New  
York, USA  
*Source: Highsmith (2007)*

The study of the judicial iconography of courts is conducted by looking at the various attributes of justice that range from the architecture of court buildings and courtrooms to the dress worn by the court actors along with the particular legal language used in courts coupled with legal paraphernalia, portraits, paintings and carvings that abound the court walls. In this section on the judicial iconography of courts, I look at the architecture and structure of courts as an important aspect of the study of the visual culture of courts. Courts across the world have been noticed to have certain common characteristics that assist in distinguishing them in order to create their own particular image. The images thus created form the basis of the deeply equivocal relationship that is shared between law and its own image. This tenuous relationship reveals how law conserves its sacrality through the image it allows of itself while it also needs the publicity to monumentalise the law. Further, the particular structures and visual narratives that are formed provide the law with a majesty and dignity that it uses to legitimise itself. This visual narrative is raised through the platform of the study of the judicial iconography of courts.

Reading legal discourse in relation to the architecture of courts is essential. In observing the judicial iconography of courts, it is noticeable that there are certain common characteristics that are often seen in courtrooms that provide for this discussion. Typically, in most courts, the windows are mostly barricaded and are higher and narrower than regular windows. The structure of court buildings is designed such that they are often blind to the outside world encapsulating a different reality within its interiors. The entrance to courts is usually imposing and out of reach of the public and judges have a separate entrance (see also Mulcahy 2011). In all three high courts of Bombay, Madras and Calcutta, the judges had separate entrances; in Bombay and Madras the entrance was on the opposite side to that of the lawyers, litigants and/or general public entrance. In the Calcutta High Court, the entrance was to the west side, through Gate A, which was strictly reserved only for judges. The front of a court building is almost never noticeable and only accessible by judges. For instance, the judges of the three chartered high courts that I observe, enter through their specified hallways to which no one else has access. The courts are somewhat wrapped in a fold of secrecy while being present in the middle of a city. Goodrich argues that judicial hierarchy is also articulated through the ‘geometrical organisation’ progressing upwards (1990:190). Further, Goodrich notices how the entrance of a court is usually

elevated from the street contributing to its inherent imposing nature which involves both a ‘visual and conceptual ascension from the quotidian street to the ritualised space’ (1990:189). The Supreme Court of India is a prime example of a court significantly elevated from the street as can be seen in its structure and design (see Image 5). The elevated exterior of a court creates a particular distance of the court from the everyday people creating for itself a space where it can legitimise its own authority. Goodrich (1990) builds upon this observation through features related to the surface of the court buildings and the material used including colours, modulations and insignia ranging from gargoyles to various heraldic crests. These features contribute to the visual policy of the court and provide the viewer with different symbols and motifs to analyse and understand the iconographic story that the images of the law narrate.

The image of a court has different meanings for different people. For litigants it might be viewed as a space of triumph and contentment or something completely contrary – a space of anguish and confusion (see Basu 2012). Observers approach a court with varied interests and look through the judicial processes to understand what it means to encounter justice. For lawyers it might just be looked at as their workplace or a forum where legislation is articulated. Courts are also represented as the embodiment of justice. Therefore, the image of the court creates images of justice which hold different meanings and experiences for every individual who walks through the court corridors. For a litigant, the meaning of justice is impressed equally through the architecture, ceremony, ritual, dress and language that exists within the walls of a court and not just the outcome of the case as it unfolds over time. Hence a story can be narrated about a court through the iconography in its exterior and interior façade that creates a particular image of justice. In addition, the space creates its own signs and motifs leading to a semiotic perspective of the ocular aspects of the courts of law. Keeping these concepts in mind while documenting the visual culture of courts assists in the analysing the various semiotic associations and cultural linkages that the court brings to the forefront through the exhibition of its images which can sometimes be both fascinating and daunting visuals.

Goodrich argues that the ‘visual metaphor’ is important in the scheme of justice wherein justice is something that must be visible which captures the ‘symbolic presence of law as a façade’ (1990:188). The court building and the interiors of a courtroom are

spaces that are infused with symbolism, iconography and legal semiotics that have often been linked to judicial discourse. Goodrich (1990) describes actions that can and should be done within a particular institutional setting to explain this argument. Examples of these actions are political speeches, sermons, lectures and most importantly judgments. However, this idea is not only restricted to the deliverance of a judgment. It extends further to delimiting the context and the conditions of the way a particular judgment is received and appropriated in that very courtroom. The same argument would apply to a sermon delivered in a church for example. As Goodrich argues, this is not only an analytical space but the existing physical architecture has a significant part to play in contributing to the ‘symbolic effect of carefully regulated genres of speech’ (1990:189). This implies that the form and structure of a particular building adds meaning to its purpose and further enhances and contributes to the activity ongoing within the interiors of its wall. This physical structure, according to Goodrich (1990), controls and administers its subjects. A court can be paralleled to this kind of a structure where the style in which a judgment is delivered and the language used in this context echoes a form of regulated speech that works to maintain the symbolism attached to the process of judicial discourse and further administers its subjects – which in this instance are the litigants present in the court.

Leaving aside the exterior façade of a court, walking into a court is often an experience of confusion and anxiety. A court is a space where routine business is ongoing but for a person entering for the first time it can be an intimidating and confusing experience. Within a courtroom there are different designated areas for different persons. The judge sits on an elevated bench away from the easy reach of the general public. The place for the petitioner or plaintiff and the respondent or defendant is marked out in advance and their viewing and listening positions vary (Goodrich 1990, Mulcahy 2011). Space for the litigants is always at the far end, at the back and never near the lawyers or closer to the judges. The general public has a last bench space in some courts, and in most, the space is considered the same as that of the litigants. The press is given limited space, depending on the size of the court and the issues on which the matters are being heard. In some courts, there is no space for the press at all. The issue of restricted and limited space along with the division of existing space, were issues I discussed when I interviewed persons in the field. In all the three colonial high courts, the lack of enough

space was an issue and there was a clear hierarchical division in the manner and amount of space accorded to judges, lawyers, litigants and the general public.<sup>9</sup>

As Goodrich argues this entire structure of the court is a ‘didactic one’ where preference is accorded to the visibility of justice over its audibility (1990:191). This didactic nature expresses itself in the form of judicial hierarchy. The idea of hierarchy does not limit itself to the person but also extends to the structure of the court where the ‘geometrical organisation’ progresses upwards, a feature Goodrich talks about in his writings (1990:190). In the Supreme Court of Israel all the judge’s chambers are placed at the top of the building (Tour of Supreme Court n.d.). This overall style and presentation of the courtroom forms part of the judicial attempt to convey the majesty of law. It is interesting to see how court architecture uses different means to legitimise and monumentalise law. While in most cases it is noted how the law asserts its authority through imposing itself on those subjected to the force of law, yet courtroom space is organised in such a manner that the judiciary controls and maintains the hierarchy within itself.<sup>10</sup>

---

<sup>9</sup> Details about the courtroom layout and space restrictions are discussed in the individual chapters on the three high courts – Chapter 3, Chapter 4 and Chapter 5 – the Bombay High Court, the Madras High Court and the Calcutta High Court respectively.

<sup>10</sup> We must remind ourselves that literature on colonial history documents the nature of colonial rule and the role that imposing buildings and structures played in implying the domination of the imperial over its colony (see Cohn 1996, Dirks 2008, Kolsky 2010, Mukherjee 2009, Schmitthener 1968-1969, Singha 2000). Remembering the presence of the colonial is therefore imperative when analysing and documenting the visual culture of the British created and structured high courts of Bombay, Madras and Calcutta from a pre-independence to a post-independence India. The act of maintaining a particular hierarchical order in court, for example, is a symbol of a particular image of justice that the judiciary preserves within its own secretive circles. In the Madras High Court and the Calcutta High Court, courtroom number 1 was specifically reserved for the chief justice of the high court. During field interviews when I asked people why courtroom 1 was reserved such, the automatic response was that the chief justice of the court is the senior most judge, the “number one judge of the court” and therefore courtroom number 1 was the appropriate court to be used. In the case of the Bombay High Court, the largest courtroom is courtroom number 46, and not courtroom number 1. It is said that this courtroom, being the largest, used to be the court for the chief justice. However, currently, the chief justice’s courtroom is courtroom number 56 because it has the largest judge’s chamber attached to it (see Chapter 3). The common thread running between these allocations of courtrooms are ideas of superiority and domination, of being number one, and being the largest in all forms. This practice of subordination is an inherent colonial tradition of these three high courts. The manner in which colonial law is propagated and continued shows that independence did not mark a break from the colonial past and several practices, especially in law, ‘continued to evolve in shadows of the empire’ (Mukherjee 2009:xiv). This entire powerful notion of dominating justice and the impact of judicial iconography within its historical setting and with its cultural linkage then leads to constituting the anxious relationship between seeing and hearing justice where justice must appear to be done, making for a unique visual policy of the law (Douzinas and Nead 1999, Goodrich 2008, Haldar 1994).

While new court buildings are built theoretically to make the court more public friendly, there is always the debate and fear that such characteristics would reduce the legitimacy of the court. Interestingly, when one sees a court building that is not massive and awe-inspiring or self-imposing, the immediate reaction would be that this does not look like a “court” building. This perception of what a court “looks” like has developed over the centuries, and as Mulcahy (2011) traces, it is mostly courts of the nineteenth century that displayed these identities and created a norm for itself. Constructions in the nineteenth century in India were largely colonial edifices built by the British to contain their despotic rule (see Cohn 1996, Kolsky 2010, Mukherjee 2009, Singha 2000). Through large, imposing buildings, the colonial notion of superiority over inferiors was established. With the continuation of the Indian courts of law functioning from the same structures, the preservation of the empire has continued into the post-colonial. Therefore, colonial law propagated in colonial structures, played a specific role in the visual histories of the three high courts under study in this thesis. This has led to a particular visual stereotype that associates large, palatial structures with the embodiment of law, order and legitimising powers – an idea that exists for courts across the world.

In the construction of court buildings, the symbolism that exuberates is caused by different factors that can be linked to the cultural background of the court or the historical situation surrounding it. In some instances, multi-cultural aspects and socio-political considerations are also identified within court buildings. At a cursory look on this issue, one can observe the Federal Constitutional Court of Germany. Built in the 1960s, this court building is known for its glass façade, which forms a defining part of its iconography (see Image 6). Observing the building, it is noticed that the entire outer structure is made of glass allowing for the court to be observed from both inside and outside. The idea of a court being within “walls” is modified into transparent walls in this context (Mulcahy 2011). The use of glass in this court was a conscious effort on the part of the state to create something that signified democracy and the rule of law through transparent methods (Mulcahy 2007, Resnik and Curtis 2011). This transparency symbolises a break from an authoritarian figure of law to one that is a reflection of a new socio-political movement. In the German context, this became an iconographic symbol of a break away from the relationship with the Third Reich and the association of atrocities with the Nazi rule. It was a clear semiotic motif that the

court disassociates itself from that particular socio-political movement and has and will always stand for ideas of transparency and openness to all (Mulcahy 2007). Therefore, the use of glass can be classified as one form that the court uses to legitimise its visual authority – the court propagates the images of its transparency through glass. As Resnik and Curtis (2011) write, the use of glass to propagate ideas of openness and transparency, and of being populist, has been introduced in several courts and has been used by architects in several locations. This frequent use of glass to signify an openness towards the public was not singularly conceived by the iconography of thought behind it. It was also possible to implement this in practice due to technological advancements over time wherein glass became a material that could be used in construction – an option that had not been viable in earlier times (Resnik and Curtis 2011). Due to construction related advancements in engineering and building, glass became an affordable material allowing for it to be used and appropriated in symbolically significant ways. The presence of glass in a court structure has now been documented in terms of the transparency quotient that it contextualises the given court in. This has not prevented the debate between, ‘literal and phenomenal transparency’ as mentioned by Resnik and Curtis while documenting the use of glass façades in building courts (2011:341).

Looking at the Constitutional Court of South Africa in this context is pertinent. This court is important for all the judicial iconography that it displays. The court has created a well guided tour to visit the court supplemented with an informative visitor’s brochure. The description of the Constitutional Court is largely from the copy of the brochure that I have from the year 2014. The court acknowledges in all forms that it was established to oppose the apartheid regime that was repressive and authoritarian and move towards a society based on ‘dignity, equality and freedom’ (Constitutional Court of South Africa: Visitor’s Brochure, 2014). In order to build an edifice that portrayed their constitution as the law of the land, an international competition was held, accepting designs for a new court building. The design that was selected was one created by a group of South Africans. It was modelled on the idea of ‘justice under a tree’ as this related to the earlier notions of how courts were formed below trees and justice was dispensed in an open, transparent manner (Constitutional Court of South Africa: Visitor’s Brochure, 2014). The site for building the court was categorically selected as the Old Fort Prison area as it symbolised the conquest of hope over a tainted past as this was the same prison where Nelson Mandela had been kept captive (see

Image 7). Along with these ideas, the court has also been built structurally and with material that propagates ideas of transparency and open access to all. Therefore, on a first look at the court, it appears different than the perceived idea of a court building (see Image 8).

The walkway to the court is through the Great African Steps, made from reclaimed bricks from one of the trial block prisons (see Image 9). The pathway thus serves a dual purpose – one that leads to the Constitutional Court for equal justice and the other as a way ahead from past oppressions. At the entrance of the court are the important words ‘Dignity, Equality and Freedom’ etched on the walls in all eleven official languages of South Africa (see Image 8) (Constitutional Court of South Africa: Visitor’s Brochure, 2014). Using all the official languages sends the message that the court is open to all communities and people that make up the Republic of South Africa (Resnik and Curtis 2011).<sup>11</sup> Interestingly, the text is written in different fonts so as to mark a departure from the use of Roman symbols for lettering on official buildings (Constitutional Court of South Africa: Visitor’s Brochure, 2014). Therefore, in more ways than one, this court works towards breaking away from past atrocities but not without keeping enough reminders so that present injustices are prevented. Past the text of equality, one walks through large wooden doors that narrate the story of the Bill of Rights as designated in the constitution (see Image 10). The carvings create the perfect entry to the Constitutional Court of South Africa.

The entrance foyer of the court appears to be less like a court in the traditional sense and is more open and welcoming than most court structures. There is the extensive use of glass in the entry foyer area to filter in concepts of transparency in the court and its methods (see Image 11). This further highlights the idea of justice being open and participatory like under the trees of justice, which was an old format of justice delivery in South Africa. Additionally, the airy foyer area resembles an extension of the public places of the city and therefore is more welcoming as it trends away from the notion of a strict court order. In building this court, the intention of the architects was thus clear.

---

<sup>11</sup> The Bombay High Court building reflects this through some of its pillars which have carvings of faces of men with different headgear that represent all the communities that inhabited the city of Bombay. The carvings thus symbolised that the court was open to all the people of Bombay city. This is detailed further in Chapter 3, the chapter on the Bombay High Court.



They wanted to create ‘a physical representation of the constitutional values’ (Resnik and Curtis 2011:350). The importance of judicial iconography in the course of judicial discourse becomes important in the case of this court that is fighting the horrors of an apartheid regime that existed up until 1994.

In the development of this entire court structure, it is important to note that as each area of the court was developed by the architects, it was presented to the judges for their comments. This can be linked to the strong reactions from the judiciary in Resnik and Curtis’ (2011) documentation of art commissioned for courthouses in the United States of America (see later in this chapter, also see Mulcahy 2011). Irrespective of the reactions of the judiciary, it is pertinent to realise how significant the opinion of the judiciary is while constructing a court. The legitimacy that a court derives is not limited to the statute but is kept alive by the judiciary and therefore in reality, the legitimacy and authority that the common man views the court with is actually a reflection of how the judiciary wills the court to be depicted. In South Africa the judges agreed to the transparent and welcoming features that made the court space open for all whereas in New Jersey in the United States of America images of the lady of justice were linked to communism and race and therefore veiled from the public eye forever (see later in this chapter). This depiction of justice is the very basis of judicial iconography that creates a particular image of justice that a “legitimate authority” has mandated.

Another court that has been written about in terms of its judicial iconography and the relationship that the court shares in controlling its interior from its exterior is the Supreme Court of Israel. Haldar (1994) has written extensively on the different motifs and symbols that abound this court space and how different signs create a specific iconophobia according the law with a legitimacy that controls the mind of the subject entering the court (see earlier in this chapter). In the Indian context, the building of the High Court of Punjab and Haryana and that of the Supreme Court of India are pertinent to this discussion.<sup>12</sup>

---

<sup>12</sup> For a detailed discussion on the judicial iconography of the Supreme Court of Israel, the High Court of Punjab and Haryana, the Supreme Court of India and other courts across the world, see my earlier work in Khorakiwala, Rahela. 2014. “Judicial Iconography in India.” *Asian Journal of Legal Education* (SAGE Publications India Pvt. Ltd.) 89-101.

The High Court of Punjab and Haryana situated in Chandigarh is noted for its monumentality (see Image 12). Eminent architect Charles Correa's (1959) commentary on the structure designed by Le Corbusier, a French architect, narrates the iconographical symbolism attached to this daunting structure. The building completed in 1955 has a main entrance that Correa describes as 'one of the greatest *tour de force* ever pulled off in architecture' (1959:48). The overarching and superimposing entrance talks of 'superhuman justice' and 'justice without mercy' that are somehow above and beyond the prejudices of the individual persons involved (Correa 1959:48). The commanding nature of this architectural structure is thus questioned on a single point by Correa. He asks, 'is this justice? Is this a picture of justice? Should justice be beyond the individual, superhuman, monumental, beyond mercy' (1959:48)? Judicial iconography then creates an image of justice that is so powerful that it overtakes the individual and moves to the superhuman through the enormity and domination of the structure that emanates law and justice.

The Supreme Court of India, constructed in 1958, was completed just after the High Court of Punjab and Haryana. As per the Indian legal system, the Supreme Court of India is the apex court and the final seat of justice to which an appeal can lie. The Supreme Court has symbolism and iconography at its very core. The building has been built to represent the scales of justice – the central beam being the court of the chief justice with its high ceiling rotunda and the two side wings representing the scales of justice (see Image 13) (Supreme Court of India Museum: History n.d.). Therefore, the roots of the building are embedded in balancing the scales of justice, and providing the court with its most striking feature of domination and control. Another compelling feature of the Supreme Court building is its circular dimension that is right at the centre of the court and is the first projected visual image of the building (see Image 5). The rotunda of the Supreme Court of India in many ways represents, 'a defence against formlessness and chaos' that abounds the diverse people that it represents through mechanisms of judicial review, judicial activism and upholding of various constitutional rights (Haldar 1994:199). This reading of the circular is in continuation to how Haldar (1994) refers to the formation as a symbol of absolute closure when he talks about the circle in the Supreme Court of Israel (see Image 1). The Supreme Court of India thus has its own visual narrative which it projects through various motifs and abstract notions that are semiotically assessed to evaluate the ocular message of

domination and authority that the court gives to the persons walking towards and entering its premises.

Moving from the idea of a judicial iconography of courts, the next section discusses the iconography associated with the image of the statue of justice that inhabits different court spaces.

## **SECTION 5: JUDICIAL ICONOGRAPHY AND THE STATUE OF JUSTICE**

There are several attributes of justice that create the judicial iconography that is seen in courts. The most striking and relatable of these attributes is the image of the statue of justice. Although the idea and concept of a “lady of justice” originates from Roman doctrines, it is the single most commonly used attribute that depicts justice in its varied forms and is relatable to people who access the courts. From courthouses to popular culture, television and film, the statue of justice has adopted several forms and figures. Interestingly, this image of justice often adapts to the local and modifies itself based on artistic impressions and rules laid down by the judiciary.

### **5.1 THE IMAGE OF JUSTITIA**

Primary to understanding the relationship of law with the specific image of the statue of justice is the germinal work by Jay (2003). Jay (2003) traces the image of Justitia in the west, which changes its visual form from the fifteenth century onwards. He argues that the images of Justitia that were earlier open-eyed and are now blindfolded are linked to the changing notions of justice itself. Jay documents how goddess Justitia in her earliest Roman incarnations was ‘clear-sight[ed]’ and how ‘suddenly’ at the end of the fifteenth century a blindfold was placed over her eyes creating one of ‘the most enigmatic of the attributes of justice’ (2003:87). Earlier interpretations of a blind-folded justice were linked to the idea that the ‘fool’ was covering the eyes of justice (see Image 14) as the very idea of justice had lost its meaning as in her blind-folded form, Justitia was unable to analyse things straight or look at what was to be balanced on her scales (Jay 2003:87). This form of satirical construction of justice lost its relevance by the 1530s and the blindfolded image was now seen as ‘a positive emblem of impartiality and equality before the law’ (Jay 2003:88). This shift in the image of justice now meant that law and acts of justice were to exist only through language in the course of discussions and persuasions rather than through images that might overpower the minds

of the people involved (Jay 2003). Douzinas and Nead (1999) describe this as the law generating a particular iconophobia wherein images are constantly being policed and create a particular visual policy that controls not only what you see but how see it also (also see Douzinas 2000). Therefore, law's aesthetic policy is always geared towards a legal iconology that creates a systematic association to read the hidden meanings of various signs and motifs peculiar to the law (Kevelson 1987).

Even today there is no unanimity on whether Justitia should be blind-folded or open-eyed. It is only a matter of interpretation as it can be viewed as impartiality and equality or injustice and ignorance. Here, the presumed knowledge, presupposed notions and cultural linkage in interpreting the semiotics of law plays a pivotal role (Hasenmueller 1978, Leeuwen 2004, Panofsky 1982). The question remains as to how such images influence judicial discourse in the spaces where they are allegories of justice. The description and classification of images that point towards specific motifs and symbols therefore becomes the basis of looking at the judicial iconography of court spaces. As Jay (2003) concludes, visual revelations of the truth were now less relevant to the entire decision-making process. There is another argument in favour of Justitia being blindfolded. It says that with her covered eyes, Justitia is compelled to walk into the future with caution in her steps as opposed to rushing into a judgment impulsively. Justice as it exists today must accept that it is not necessarily complete and there are several laws that are imperfect. Therefore, the judgments they deliver often fall short of what might be considered as an 'absolute judgment' (Jay 2003:99). This analysis by Jay (2003) leads to the conclusion that the idea of Justitia does not necessarily need to be a debate between her being open-eyed or blindfolded. Instead, whether blindfolded or not, this particular image of justice should be seen as one that is sensitive to individual particularity and viewed in light of the relationship it fosters between people who need to access justice. As Jay (2003) says, goddess Justitia would be best depicted with two faces – one where her eyes are wide open and the second with her eyes covered by a veil (see Image 15). Only such an image would be able to combat the inherent conflicts emanating from the different notions of perceived justice.

## **5.2 CONTESTED STATUES, PAINTINGS AND MURALS: RACE, GENDER AND RELIGION**

The debate on images of justice however, has not been restricted to the blindfold placed on the eyes of Justitia. Abstract images of justice have also had to pass the test of

questioning judicial iconography in what Resnik and Curtis call ‘democratic courtrooms’ (2011:106). They have traced the changing image of justice through artwork commissioned by the government of the United States of America at the time of the Great Depression of the 1930s. During this period, government officials commissioned artwork for courthouses and post offices across the United States of America on the premise that such work would promote unity and a nationalist feeling amongst the people at the time of the economic downturn. Further, it was meant to generate and infuse into the economy the required revenue through the creation of employment opportunities (Resnik and Curtis 2011). Some of the images thus created led to far-reaching consequences and debates linked to the politics of identity and rights. The controversies abounding these images brought out the different conflicts in the created images of justice where what the law perceived itself as was very different from what it was perceived as from an external viewpoint. The artwork in question was sometimes abstract art, in some instances had realist images and in all cases, was understood by those who judged this art in a completely different framework than that of the artists. The form and kind of protests that were associated with the different artists’ work ranged from issues of race to women’s rights and slavery (Resnik and Curtis 2011). Some controversies were so intense that they led to the created images of justice being covered and separated to be kept out of reach from the general public – restrictions that persist till date. The examples cited by Resnik and Curtis (2011) are evidence of the importance of the images of justice in law and they raise the question as to the influence that a particular image has on the visual representation of law linked to what the judiciary believes legitimises its actions. In most cases of protest, it was the judiciary that had a problem with particular depictions of the images of justice as created by the different artists. When the judiciary reacts thus to controlling its image it evidences the importance accorded to the symbolism and the ocular in terms of the law, its iconophobia and jurispathic tendencies (Cover 1995, Douzinas and Nead 1999).

The symbolism that infuses the courtroom space thus is important as it affects how the judiciary perceives itself. A telling example of this is the statue created by the sculptor Romuald Kraus meant for the federal courthouse in Newark, New Jersey (see Image 16). Kraus’ depiction of justice was based on the gesture and expression of the statue which conveyed its meaning without the conventional attributes of the sword, scales and blindfolds (Resnik and Curtis 2011). However, this model of justice was showered

with a host of criticisms ranging from referring to the statue as a ‘woman with biceps’ or ‘a wrestler’ (Resnik and Curtis 2011:109). The maximum critique for this artists’ work came from a resident federal district court judge who connected this image to one that asserted ‘communism’ without any true spirit of justice (Resnik and Curtis 2011:109). Resnik and Curtis argue that it is evident on viewing the statue that there is no ‘hint of communism’ and this has even been reiterated by the artist upon his shock on the barrage of criticisms thrown at him (2011:110). The end result has been that the courthouse in Newark has now got its own ‘blindfolded justice’ that appeals to a particular visual representation of justice and the original creation by Kraus has been moved to another part inside the courthouse (Resnik and Curtis 2011:110). This move also came late in 2008 for an image that was created in 1935. Till its change in location in 2008, the statue was ‘banished to obscurity’ much to the surprise of its creator (Resnik and Curtis 2011:110). It is important to note that a judge raised the vague critique linking the image to one of communism. Not only does this question the perception of judicial iconography but also indicates the low tolerance for alternate forms of expression through different political ideologies. Allegorical images of justice are therefore a form of representation through which one can attempt to understand the idea of justice from those who deliver the very promises of justice.

In the United States of America, race is another measure through which the perception of the judiciary is ever evolving. Whether or not justice can be coloured became grounds for intense contestation. The commissioned images for the state of South Carolina and Mississippi brought this discussion to the forefront. In South Carolina, it was the work of the artist Stefan Hirsch that was unacceptable to the town of Aiken where it was to be placed (see Image 17). The primary reason for protests was that the lady in the mural appeared to have ‘negroid traits’ as argued by one of the judges (Resnik and Curtis 2011:112). This led to the mural being hidden behind a cloth. The solution was that the artist should lighten the colour of the skin thereby making it look less “negroid”. The mural, however, still remains behind curtains.

A similar reaction followed in the state of Mississippi. Here, the image installed in 1938, was initially not opposed. However, by the 1960s the mural had been covered with drapes due to protests directed to the work of the artist Simka Simkhovitch (Resnik and Curtis 2011). For the artist, this represented the typical life of the people of

Mississippi during his time (see Image 18). However, protesters viewed this as a permanent depiction of biases related to race, gender and segregation, thereby suggesting to us that a visual history of the law narrates a powerful story about racial politics of American law. The reaction of different judges and protesters across the United States of America to these images even after clarifications from the artists speaks of a pattern of the perception and image of justice overall. Further, justice appears to be something different for the judiciary in contrast to the view of the artist who recognises the anxious relationship between law and justice, where art captures the promise of law to be just.

In terms of statues representing justice, the sculpture and statue of the Prophet Mohammed in two courts in the United States of America led to several debates. The sculpture relates to the artwork in a frieze in the Supreme Court of the United States (SCOTUS) in Washington, D.C. and the second is a statue that is placed on top of the New York State Supreme Court, Appellate Division in New York City. Both these courts had placed visual representations of Prophet Mohammed in their spaces as a depiction of him being a lawgiver. In both cases the sculpture/statue was part of a host of other lawgivers along with the sculpture/statue of Prophet Mohammed. In the SCOTUS the frieze on the northern wall has nine lawgivers, including Prophet Mohammed, depicted standing next to each other (see Image 19).<sup>13</sup> In the New York State Supreme Court there are currently nine lawgivers' statues placed on the roof of the court building (see Image 20).<sup>14</sup> Both these artworks have faced protests.

The sculpture in the SCOTUS was opposed in the 1990s by the Council on American-Islamic Relations. Their main reasons for opposition were that Islam prohibited the pictorial representations of the Prophet and in general was against idol worship. Additionally, they were against the depiction of the Prophet as it was – with the Quran in one hand and a sword in the other hand as it reinforced ideas of Muslims being conquerors (Resnik and Curtis 2011). The image of Prophet Mohammed in the

---

<sup>13</sup> As seen in the court-related exhibitions inside the Supreme Court of the United States building in Washington, D.C., U.S.A. Altogether, between the northern and southern friezes, there are sculptures of eighteen lawgivers.

<sup>14</sup> As mentioned in the Attendant's Guide to Appellate Division 1 (AD1) provided when visiting the New York State Supreme Court, Appellate Division in New York City, U.S.A. Including the statue of Prophet Mohammed, there are ten statues altogether.

SCOTUS is of a man in a long garb, with a sword in one hand, the depiction of the Quran in the other hand and wearing the *keffiyeh*<sup>15</sup> headdress (see Image 21). The SCOTUS rejected the claims on several grounds some being that there were laws against altering the architectural features of the court building and that there were several swords in the frieze and not only one in the hand of the Prophet. An article written by Taha Jaber al-Alwani (2000-2001) to clarify the legal stand about the propriety of the portrayal of an image of the Prophet states that there are no written rules against the use of images in Islam and it was more of a precedent that was followed over time. He clarifies that there are different schools of thought on this. He states that it should be appreciated that the Prophet was recognised as a lawgiver and that since the western world used imagery one should accept their form. However, he pointed out that in several Islamic texts there are vivid descriptions of what the Prophet looked like and therefore the sculptor should have read these texts and then created an image which would have been more realistic instead of creating an image that is based on a personal or popular notion of people from the middle-east region from where the Prophet originated.

In the case of the New York State Supreme Court, the request for removal of the statue of the Prophet Mohammed was accepted and is therefore no longer present on the roof of the court along with the other nine statues.<sup>16</sup> The statue of Mohammed, that was placed there in 1902, was of a man wearing a robe and a turban, having a flowing beard and holding a book and a scimitar (Resnik and Curtis 2011). In the early 1950s when there was some renovation work ongoing, attention focussed on these statues. At that time there were protests against the creation of an image of the Prophet. The representatives of Egypt, Pakistan and Indonesia requested for the statue to be removed on behalf of their countries.<sup>17</sup> Therefore, the statue that had been removed for renovations was not restored to its original position and today does not stand on the roof of the court building (Resnik and Curtis 2011).

---

<sup>15</sup> A headdress worn by Arab men, consisting of a square of fabric fastened by a band around the crown of the head.

<sup>16</sup> The other nine statues are of: Confucius, Moses, Zoroaster, King Alfred the Great, Lycurgus, Solon, Saint Louis IX, Manu and Justinian.

<sup>17</sup> As mentioned in the Attendant's Guide to Appellate Division 1 (AD1) provided when visiting the New York State Supreme Court, Appellate Division in New York City, U.S.A.



These two statues represented the idea of justice as they were code givers of law and therefore they were depicted within the court spaces. However, for another group of people the same depiction did not represent justice but instead violated their beliefs, laws and modalities and ways of life. The two courts in this instance reacted differently. One court chose to maintain their visual representation on the grounds of evoking law as architecture and conservation; while the other court decided to alter its judicial iconography by accepting the argument against iconoclastic representations of the Prophet. These debates indicate that decisions about how to represent law and justice are negotiated both internally and externally, thereby making and re-making law's image. While the sculptures/statues in this case are not representations of the statue of justice as spoken about, they still present an alternative judicial iconography to ideas of law and justice manifesting in different ways. This depicts how the image of justice can be envisioned in multiple ways and what constitutes the statue of justice is based on a viewer's understanding of the signs and motifs that are displayed and linked with a certain amount of presumed knowledge and cultural shared information in a legally plural and global context.

### 5.3 REPRESENTING JUSTITIA IN DIFFERENT TIMES AND PLACES

These images and their histories sketch a critical perspective on judicial structures that escapes a purely doctrinal view on law. Understanding the histories, circulation and consumption of images of justice therefore becomes imperative and opens up new avenues for academic work on courtroom ethnography. The prevalent image of justice is that of *Justitia*, a female figure, blindfolded (and earlier open-eyed) along with certain specific attributes which range from scales balancing justice, a book or even a sword. Jay (2003) maps the transition of *Justitia* from being open-eyed to gathering the blindfold across her eyes; and different courts in India and across the world have localised this particular image of justice to interpret what justice symbolises for a particular court and its people. There are several questions on this particular image of justice and especially on the blindfold. Goodrich asks, 'what is the proper interpretation of the blindfold, which we find not only on Justice (*Justitia*) but also on juristic representations of Cupid, Fate (*Fortuna*), bridegrooms, and the condemned?' (2012:141). Goodrich concludes that this image of *Justitia* that has been ever evolving over time, is a legal symbol whose 'referent' has been forgotten (2012:141).

Jay (2003) observes three variations of Justitia over time – a blindfolded Justitia, an open-eyed Justitia and most unique of all, Justitia depicting both these symbols of justice. This last image of Justitia is with her face half blindfolded and half open-eyed making it a somewhat ideal image that encompasses both the notions of justice as developed over the years (see Image 15). The Supreme Court of India has a mural of the lady of justice, completely open-eyed, holding the scales of justice and a book (see Image 22). What makes her unique is that she is dressed in traditional Indian attire making her completely localised to her surroundings. Importantly, a general perception of the lady of justice in India is that of a statue blindfolded and holding scales in her hand. This is generally seen<sup>18</sup> in Indian cinema,<sup>19</sup> theatre and print media<sup>20</sup> and an oft understood image of justice which is in stark contrast to the image purported by the apex court of the country. Goodrich (2014) looks at a completely contradictory image of Justitia when he describes Justitia through an image of her standing open-eyed but the jurists around her are all blindfolded (see Image 25). This is a symbol that is an image of justice, but one that does not fit into the norm of the existing ideas of justice. However, it does not make it any less an image of justice as an iconographical understanding would explain (see Panofsky 1982). When looking at an image from the lens of judicial iconography it allows for interpretations linked to historical situations and based on personal experiences thereby studying the visual subject matter of the ocular and creating new and unseen meanings for the same visual (Panofsky 1982).

---

<sup>18</sup> This thesis does not attempt to draw parallels between the adaptations of the statue of the lady of justice and its interpretation in popular culture, daily media and cinema – that is out of the scope of this thesis. However, for purposes of perspective, it is interesting to see the image of the statue of the lady of justice that exists in regular Indian media and cinema.

<sup>19</sup> In October 2015, a Bollywood film was released named *Talvar*. The word *talvar* itself means weapon and the film has used it in the context of the weapon in the hands of the statue of the lady of justice – the sword. Posters and promotions of the film had the image of a statue of the lady of justice blindfolded, with a sword in one hand and the scales of justice being balanced in the other – similar to the print media understanding of the image of justice (see Image 23). The film has a particular dialogue referring to this “*talvar*”, that is, the sword. The dialogue discusses the statue of the lady of justice saying that one has seen the statue and seen the sword in the hands of the statue. One of the characters’ states that, in the past sixty years (referring to the past sixty years of India’s independence), this very *talvar* in the hands of justice has caught rust. While this statement attempts to be an impactful resonating dialogue, it is pertinent to note that post-independence India has not given the statue of the lady of justice a sword and therefore the idea that the sword has rusted forms a different visual culture of the courts of India. While popular culture uses these attributes of justice to propagate specific theories of the justice system, it would be interesting to note how interpretations, humour and satire would change when the alternative interpretation of the statue of the lady of justice by the courts in India is brought to the limelight.

<sup>20</sup> The Indian daily newspaper, *The Times of India*, often in its comic strips has imagined the statue of justice to be a lady, blindfolded, with a sword in one hand and the scales of justice in the other (see Image 24). To see the lady of justice thus is interesting because it is in stark contrast to the statue in the Supreme Court of India.

What Goodrich (2012) understands from his research is that in most cases in the legal field, some observations, actions and objects are accepted as they are shrouded under the aura of legal supremacy. He notes, ‘As has long been suggested by non-lawyers, the signs of law, its foreign languages, its prolixity, its convolution, and increasingly its images, are in significant measure not supposed to be understood but rather to be observed, revered, and obeyed’ (Goodrich 2012:144), much like the iconophobia that the law wishes to create (Douzinas and Nead 1999). These particular images are created to impress and convey the majesty of the law rather than have any particular meaning for law and legislation. It is these hierarchical images that the judiciary and the court often draw their revered legitimacy from. The imposing images of justice in its different facets create an overall image of the law that then becomes an iconographical symbol and an image of justice when observed by visitors to a judicial space. The legal iconology and its underlying principles thus lead to a synthesis of interpretations of varied notions and ideas linked to the symbols and motifs on display (Hasenmueller 1978).

The ideas and images of a blindfolded justice versus an open-eyed justice are linked to the judicial proposition that justice has to not only be done; it has to also be seen to be done. According to Goodrich, ‘if Justice can neither see nor be seen, then access is denied’ (2012:155). Therefore, the image of law that is created by the courts is important as it is this image that plays a role in the way justice is viewed and revered and attaches a particular semiotics of signs and motifs that are peculiar to the law (Kevelson 1987). Goodrich is not in favour of a blindfolded justice as according to him, ‘Justice masked is justice unknown’ (2012:156). The need to take the image seriously is clearly spelled out by Goodrich as he states that, ‘Images must be taken seriously precisely because they are the source of justice and the origin of the invention of law’ (2012:178). The policing of images and the creation of a particular aesthetic policy of the law allows for the court to thus not only control what you see but how you see it also (Douzinas 2000). As Resnik and Curtis (2011) demonstrate, ‘Justice has historically served as an easily accessible allegorical figure, giving shape and form to abstract notions of fairness and judicial deliberation, even if Justice’s various attributes and appearances have been contested’ (Tait 2012:4). This ocular aspect of justice proffers different images of the law that are evidence of the adaptation of law to its

surroundings and the situation that it was created in. These images of justice play a critical part in marking out the role of the court and its effect on the way outsiders relate to the court, revere it, treat it with dignity and accord it the majesty it demands (Tait 2012). The iconophobia thus generated propagates one kind of visual policy for the law through which it defines and images itself (Douzinas and Nead 1999).

Different authors have traced the images of Justitia in her different forms to set out certain similarities in her appearance and resemblance and the pattern behind the creation of various characteristics of these images of justice. J.G. Manning (2012) illustrates the similarities between the Egyptian deity of justice and its origin being traced back to the Roman Empire. The link between justice and existing political virtues is made clear by Ruth Weisberg (2012) where she writes that justice was defined less by the company she kept and more by the attributes she held. Of these attributes, the sword and the scales have managed to survive over time. Several authors identify the blindfold as the most controversial of all attributes of justice (see Capers 2012, Goodrich 2012, Resnik and Curtis 2011). Other issues that have affected justice are those that range from racism and minority issues to sexual connotations. David Rosand writes about the 'color of justice' (2012:305) and Bennett Capers (2012) talks about the relationship between minorities that are neglected and the subsequent administration of justice meted out to them. Goodrich details the 'sexual commodification' (Tait 2012:6) of justice through Banksy's image of justice, 'in a thong, with thigh high boots and a garter in which a dollar has been slipped' (2012:178). Certain abstract images also have the potential to raise the most blatant questions on race, gender and their relationship with justice albeit as an 'interpretive puzzle[s]' (Tait 2012:8, also see Soucek 2012).

However, not all readers of iconography look at law and images as having a direct relationship with each other. Some writers believe that over time the link between the local and the representation of the law and the change in judicial proceedings along with the changing nature of the actors of the court have all led to an underscoring of justice as an allegorical representation of a purported image of law (Leubsdorf 2012, also see Simon 2012). Though Rosand (2012) is sceptical about whether such an abstract notion of justice can stand the test of modern experiences, Weisberg is positive that, 'persistence of the figure of Justice as an emblem for the rites of judgment reveals a small portion of what could be a much richer visual inheritance' (2012:266). In all

these interpretations of justice and the image, Steven Fraade remembers to always ask, ‘[W]hat does the ocular occlude?’ (2012:138). These varying interpretations and understandings of the image of law as set out by different authors is well summarised by Tait when she concludes that, ‘part of the complexity in seeing Justice is being attentive to what is unseen in the picture, and offer new ideas about how to represent Justice visually beyond the iconic allegorical female form that is our historical inheritance’ (2012:9).

For a completely local interpretation and adaptation of the statue of justice, the Tribunal Militaire, that is, the Military Tribunal of Lebanon provides a striking example. Visitors were not permitted inside this court and the exterior was barricaded and cordoned off by strict security personnel. Photographing the building of the court from outside was also prohibited. At the entrance of this court was a statue of justice that symbolised everything that this court stood for – a complete image of justice that was localised and specific to this particular court as an institution (see Image 26). The statue of justice was male, unlike most cases of the representation of a “goddess of justice” or a “lady of justice”. The statue stood tall and depicted a military person. This was evident as the statue was dressed in military attire, wearing a military hat and holding in one hand the scales of justice and in the other hand a book. This statue of justice was open-eyed and standing straight in attention as a complete symbol of the military justice that the court promised for its people. In addition, this could also be a representation of the civil war and constant conflict that is a part of the everyday life of the people of Lebanon. A war-torn nation had its very own interpretation of justice through this statue. Therefore, as Panofsky (1982) explains, the historical setting within which an iconographical classification is interpreted is very important. This reading of the statue of justice also links to Mulcahy’s (2007) argument on how publicly funded courthouses are designed in a government prescribed manner and DeVotta’s (2016) analysis of the Chinese influence on the architectural styles of the Supreme Court of Sri Lanka (see Image 4). The kind of influence on the perception of justice is starkly apparent in the colonial high courts of Bombay, Madras and Calcutta, where justice and its image has been interpreted under colonial understandings of law and legal equality.

The Supreme Court of India provides an apt illustration for an Indian adaptation and conceptualisation of the statue of justice (see Image 22). While the high courts of

Bombay, Madras and Calcutta are colonial in their construction and practice, the Supreme Court of India was completed in 1958 – post-independence. It was constructed by an Indian architect under the Indian Central Public Works Department (CPWD). The style of construction is labelled as Indo-British as per the website of the Supreme Court of India and the depiction of justice in this court is distanced from the western interpretations of the statue of justice which is still seen in the Bombay High Court and the Calcutta High Court (see Chapter 3 and Chapter 5 respectively). In many ways, the statue of justice in the Supreme Court of India attempts to define its relationship with the visual culture of the court based on its own historical situation and settings, along with its unique cultural linkage. The version of the lady of justice in the Supreme Court of India in this context is very interesting. This statue of justice is made as a mural on the wall and is in the section of the court that requires permission to be accessed – the section is accessible only to judges. As I did not have permission to enter that section, the Director of the Supreme Court Judge’s Library was very helpful by providing me an image of the same. This mural has Mahatma Gandhi on the left, the chakra<sup>21</sup> in the centre and the lady of justice on the right. This lady of justice is a nationalised conception of justice. She is open-eyed and dressed in classical Indian dance attire. She is holding the scales of justice high up in one hand and her posture faces upwards looking at the scales. In the other hand she is holding a book. She is standing on top of the lotus flower, which is the national flower of India. This statue of the lady of justice is a prime example of an interpretation of justice that suits the location of where justice is being performed. It is very similar in concept to the statue of justice outside the Military Tribunal of Lebanon.<sup>22</sup>

Additional interesting international images of the statue of the lady of justice are seen across the world. A unique statue is seen in the Supreme Court of Argentina (see Image

---

<sup>21</sup> The circular wheel with twenty-four spokes that is also at the centre of the Indian national flag.

<sup>22</sup> Another of my experiences of judicial iconography and the lady of justice has been truly localised. As a student in law school I was once assigned the responsibility of purchasing a “new” lady of justice statue that had to be placed on the stage during an inaugural lecture series function as the existing statue had given way. I successfully found a local *Mumbaikar* (someone from the city of Mumbai, India) to sculpt me a new lady of justice, explaining to him what the law school required. The end result of the sculpture was unique (see Image 27). The modelled lady of justice resembled a Maharashtrian woman holding the scales of justice – it was sculpted by one who regularly sculpts statues of Lord Ganesha, a very important deity for the people of Maharashtra. Therefore, at some level, just as the local seeps into the national, the way religion infiltrates the secular, the image of justice has a meaning only when a person can localise and imbibe it into their own culture.

28). The statue of justice is neither blindfolded nor blind, so that she can see the truth; a feature that has been attributed to the originality of the sculptor Rogelio Yrurtia. The statue is also wearing a helmet which has the scales of justice on both sides, indicating that the helmet has been placed on her head for protecting justice. The depiction of the hands sticking out straight is in order to protect, maintain balance and forgive; and the fingers on the hand are together symbolising that the people are all one and together.<sup>23</sup> Moving north from Argentina to Brazil, a different statue of the lady of justice is featured seated, with a blindfold and a sword laid down across her lap, held by both hands. There are no scales of justice (see Image 29). This statue is used to distinguish the building of The Federal Supreme Court of Brazil in Brasilia from the other government buildings within the same complex (Resnik and Curtis 2011). Viewing these images assists in contextualising the dialogue on the judicial iconography that permeates courts and judicial institutions. Several statues of justice when designed detail the reasoning of their creation. On a perusal of such facts, it is possible to trace the idea of the image of justice that is developed in the minds of artists and court personnel. It narrates an individual story of the visual culture of courts and how they decide to represent law and justice through images and an understanding of the semiotics peculiar to the law.

Pertinent to this discussion is the statue of lady justice created for the Kansas Judicial Center, Topeka in the United States of America. The initial design that the artist Bernard Frazier wanted to create was that of a nude statue of justice. However, this faced opposition and the idea was vetoed. Pursuant to this, the statue now kneels on a pedestal, wearing a full cloak holding a bird in one hand (see Image 30). This bird is believed to be special – one that has an eyesight that is the sharpest of all. The placement of the bird in the hands of justice is specifically meant to depict a justice, ‘with clear vision and swift action’; words that have been categorically stated in the visitor’s brochure of the judicial centre (Resnik and Curtis 2011:88). The sword and scales is replaced by a new attribute – a bird with eyesight that represents the vision of justice. The use of a “new” attribute talks to the presumption of a prior knowledge that is accepted when looking for the representational and symbolic meaning through visual

---

<sup>23</sup> This is the interpretation of the statue of justice as provided during the walking tour of the Supreme Court of Argentina conducted by Micaela Lopez Prieto on Friday, 9 September 2016.

semiotics and judicial iconography (Leeuwen 2004). The symbolism that infuses the judicial space is thus unlimited and forms the basis of the visual culture of the court.

Resnik and Curtis (2011) additionally write about another statue in North America – one from the Law Courts Building Complex in Vancouver, Canada. For this statue, the artist Jack Harman replaced the sword in the hands of lady justice with a scroll as he was opposed to the idea of capital punishment (see Image 31). Here the individual artists' relationship with the legal system influenced the depiction of justice created. The semiotic perspective in this case is reflective of the pre-existing social theories and debates on the issue of capital punishment, indicating the importance of understanding the meaning of iconographical symbols in the context of these existing notions and ideas (Jewitt and Oyama 2004). Since the court's website itself mentions the purpose of replacing the scroll with the sword and the fact that the statue is on display, it can be presumed that this adaptation to the depiction of the legal system was an acceptable image of law for the court and its audience.

In the Daniel Patrick Moynihan United States Courthouse located in New York City, USA,<sup>24</sup> the statue of the lady of justice is presented in its own unique way. The 1996 twelve feet high bronze statue was made by the artist Raymond Kaskey (see Image 32). There is a note placed on the wall behind the statue that informs that this statue, 'fills the main rotunda space with awe-inspiring power and elegance'. This description for the statue is apt. The statue of the lady of justice stands on one leg in a flying-like position. She holds the scales of justice in a modified way – one scale in each hand separately. There is a blindfold across her eyes and her clothes give the effect of the wind rippling through them, helping the flight motion. The note placed here also writes about the introduction of the blindfold to represent impartiality that begun towards the start of the sixteenth century. Kaskey's modelling of this statue intends to show, 'The figure's body, rising majestically from its pedestal, form[ing] the visual and symbolic balance for the scales'. Standing on one foot, this statue of justice manages to effectively balance the principles of equality of justice with fairness and impartiality. As one enters the courthouse, they encounter this statue and its placement such works

---

<sup>24</sup> This court building is for the United States District Court for the Southern District of New York (SDNY), that is, it is a federal government court building and not a part of the New York state judicial system.



towards changing the experience of those who walk into the court. This statue therefore narrates its own judicial iconography and provides for yet another interpretation and understanding of the different visual cultures that courts present.

Through the literature on the evolving imagery of the statue of justice, it is possible to visualise the carvings and statues and add that to the available literature on images of justice and the symbolism that infuses these spaces. The abstract notions then come alive through various symbols and motifs that further elaborate on the iconography of the law. Viewing and documenting these images within an aesthetic policy and visual symbolism creates a unique visual culture of courts, through which I then look at the images of justice in the colonial high courts of India. The statue of the lady of justice as has been documented in the west and other courts in several countries is not the same as the images available in the three high courts of Bombay, Madras and Calcutta. The judicial iconography here has a different story to narrate, linked to its own cultural history, often making it, as mentioned above, a local adaptation of the image of justice. I explore these ideas in the following three chapters that individually focus on each high court.

## **CONCLUSION**

Covering a vast array of courts, from the United States of America, Argentina, Brazil, South Africa and Mexico to Israel, Lebanon and Sri Lanka among others, along with looking at different levels of courts, within the judicial hierarchy, this chapter looks at judicial iconography through its varying motifs and symbols, along with the different aspects and conditions that it thrives in. Every court manages to narrate a story of judicial imagery that keeps it within the perceived understanding of iconography of courts but also marks it out as being distinct to its own dignity and majesty. The visual field of law thus created is expanded to enfold within it the various courts of law that have been in existence and are being created in new forms on a regular basis.

Looking at newer courts in the context of older courts creates a new memory of the courts of law and explains how they can be interpreted from their past into the future. What is interesting to note is how the symbolism and iconography that is an inherent part of both old and new court structures, carries forward and manifests itself in different ways across varying time periods. The rules of iconography and symbolism

do not change; they only appear in different ways in different courts. Therefore, judicial iconography becomes the study of the way courts of law treat the image and alter it to fit within their own perceived ideas and notions of what the law means. Whether there is a need for the law to make these adjustments to its image is a question that finds its answer in the ritualistic court proceedings and didactic design of court structures, both physically and through unwritten rules and codes of conduct. The architectural structure creates a particular iconography that compels the majesty and dignity of the court. The other forms of visual control – through dress, language and a ban on photography, amongst others, along with maintaining the legitimacy of the court and perpetuating its chosen self-image, restrict physical access to courts (see Chapter 6 and Chapter 7). While the court uses certain iconographical symbols to maintain its hierarchy along with generating a feeling of awe and respect, this thesis questions whether it requires both the architectural symbolism along with daily ceremony and rituals to maintain its legitimacy and dignity. If the architectural symbolism generates the required and accepted visual image for the court, it would be possible to alter the ceremony and ritual of court proceedings in order to create improved access to courts.

Documenting the image of the most relatable icon of justice – the statue of lady justice – assists in understanding the role that motifs and symbols play in the daily functioning of a court. Further, it highlights the importance of iconographical symbolism that the court uses and through which it exerts an authority over every person who enters the court. This is visible not only through the depiction of a statue of justice but also in the overall structure of court buildings, both in the interior and exterior, as has been observed through the course of this chapter. The various details that abound court walls become the new normal through which the court is observed and understood. Therefore, the court manages to create an iconophobia that is manifest through different semiotic associations of statues, buildings, carvings, courtroom placement and furniture design and dimensions. Thus, when the court is looked at as a whole, the ocular symbolism manifests itself to portray the ambivalent relationship of acceptance and yet control that the court exercises over its own visual imagery.

## CHAPTER 3: THE BOMBAY HIGH COURT

### INTRODUCTION

Built in the neo-gothic style, the Bombay High Court building of 1878 has its own distinct judicial iconography that manifests in the interior and exterior of the court. The three high courts of Calcutta, Bombay and Madras were built between 1864 and 1892, and all exuberate different architectural styles, filled with their own unique legal iconology of signs, symbols and motifs that are linked to their cultural and historical setting. The Bombay High Court, on the exterior, is adorned by the statues of justice and mercy on top of its building. The statue of justice is open-eyed, much against popular notions of the statue of justice being blindfolded. Once inside the court, the imagery changes as one walks through the court premises. Carvings of figure heads, animals, birds and foliage adorn the tops of pillars along with depictions of lawyers, judges and other allegories of justice.

In this chapter, I begin by tracing the history of the Bombay High Court, the court's evolution from different courts, which finally culminated into a high court for the Bombay presidency town through the Letters Patent of 1862 (which also established the Madras High Court and the Calcutta High Court). The next section traces the establishment of the present building for the high court – a process that was completed in 1878. I then describe specific architectural characteristics and the judicial iconography of the Bombay High Court beginning with the basic layout of the court and continuing to a description of various statues, carvings and allegories of justice as they are present and exhibited in the court. The section on the layout of the Bombay High Court also provides details on the current Public Interest Litigation (PIL) that is being heard in the high court with respect to the establishment of a new building for the Bombay High Court. An important part of the judicial iconography of the high court is the detailing of the historic central courtroom of the Bombay High Court in which is conserved a specific visual narrative even today.

I suggest that the central courtroom has been conserved as an architectural site that memorialises what Sarat and Kearns (2002) refer to as law's internal history. I further

deliberate on how courts sometimes become spaces for political contestations when law memorialises history. The material embodiment of history in courtroom designs or ornamentations is juxtaposed with other visual and performative practices that are localised to the colonial past of the Bombay High Court. Conserving courtroom traditions is seen as a matter of pride by the members of the Bench and the Bar. The role of judges and lawyers as “archivists” of the history of the Bombay High Court is particularly acute (see Manohar 2016). The website for the Bombay Bar Association, for instance, provides the history of the court alongside powerful narratives about the design and ornamentation of the court. Similarly, the internal history of the court over more than 150 years is not only documented in a few books on the court but also exhibited in the court museum. The Bombay High Court itself is seen as a historical artefact that features as a proud heritage destination in the city thus marking the relationship of the court with the city. The internal history of the court when traced through the architectural design and ornamental symbolism of its courtrooms is both a site of conserving history as well as of re-inventing its internal history. The visual narratives of the Bombay High Court allow us to take seriously the way official imagery of courts is produced, organised and consumed. Therefore, I do not dismiss the official history of the court as not having sufficient archival depth as legal historians may suggest. Rather, I begin by taking the official visual history of the court as an important resource to understand how legal institutions re-present their own histories with its discontents.

### **SECTION 1: HISTORY OF THE BOMBAY HIGH COURT**

The Bombay High Court is one of the oldest high courts of the country along with the high courts in the erstwhile presidency towns of Calcutta and Madras. The history of the administration of justice in Bombay can be traced back to 1668 when the island of Bombay was transferred from King Charles II to the East India Company (Jain 2012). A Charter was promulgated in 1668 that granted powers to the East India Company to make laws and create courts for the dispensation of justice in Bombay, with instructions that the laws and courts should function as closely as possible to the provisions as followed in England (Jain 2012). The Bombay High Court Exhibition<sup>25</sup> detailed the

---

<sup>25</sup> The exhibition was on display for the occasion of the 150<sup>th</sup> year of the Bombay High Court, from August to October 2012.

transition of the different courts initially started in the city and its final culmination into the Bombay High Court.

To begin with, courts in the presidency town of Bombay were the East India Company courts, as directed by the Charter of 1668. The 1670 judicial plan divided Bombay into two parts and an elementary judicial system was put into place. Though, soon after the establishment of this court system, several drawbacks were noticed. Gerald Aungier<sup>26</sup> then inaugurated a new judicial system for Bombay in 1672 and established a court of judicature (Jain 2012). The Bombay High Court website records that when this court was opened in the city of Bombay in 1672, Aungier was quoted as saying,

The Inhabitants of this Island consist of several nations and religions, like English, Portuguese and other Christians, Moores and Gentoos, but you, when you sit in this seat of justice and judgment, must look upon them with one single eye as I do, without distinction of nation or religion, for they are all His Majesty's and the Hon'ble Company's subjects as the English are, and have all an equal title and right to justice (cited in Mehrotra and Dwivedi 2004:16).

Aungier was considered to be the main founder of the judicial system during this period (Jain 2012). The justice that Aungier refers to in this quotation, and the judicial system that he created, were both as propagated by the British. Therefore, the court began with a strong colonial foundation, which was dominating in nature, a quality that is present and seen in its functioning even today (see Kidambi 2007, Mukherjee 2009, Singha 2000).<sup>27</sup>

The official history of the Bombay High Court provided on the website of the court details its origin and transition from being an Admiralty Court in 1684, to the Recorder's Court in 1798 and the Supreme Court of Bombay in 1824. In 1683, when another Charter was issued, it marked the end of what can be termed as the first period of judicial courts in Bombay. The next phase saw the establishment of an Admiralty Court in 1684, which dealt with admiralty and maritime matters along with civil and criminal cases (Jain 2012). Between the establishment of the Admiralty Court and the

---

<sup>26</sup> Aungier was the Governor of the Surat Factory and the *ex-officio* Governor of Bombay also.

<sup>27</sup> Prashant Kidambi argues that the 1870s and 1880s in Bombay witnessed the construction of several buildings that were specifically designed to, 'underscore the imperial character of the city' (2007:34). As Kidambi lists, these buildings included the Telegraph Office, the General Post Office, the Secretariat, the University Library and Convocation Hall and the Bombay High Court.

start of a Recorder's Court in Bombay in 1798, there were several political events and other changes that occurred in the judicial system of Bombay.<sup>28</sup> One of the important changes was that one Mayor's Court each was established in 1726 in Bombay, Madras and Calcutta. In 1753, the Mayor's Courts were re-established on findings that there was no impartiality of justice in these courts. The judges in these courts tended to be 'servants' of the East India Company instead and therefore the courts were found to be ineffective.<sup>29</sup>

To remedy different defects that were noticed in the functioning of the existing court systems, the British parliament, in 1797, legislated the establishment of a Recorder's Court in Bombay and in 1798 the court was thus set-up. This Recorder's Court was like the Mayor's Court but with the addition of a lawyer who was a recorder for the court. The Recorder's Court had civil, criminal and admiralty jurisdiction. Like the Mayor's Court, one Recorder's Courts each was established in Bombay, Madras and Calcutta. These courts had a *kazi*<sup>30</sup> and a *pandit*<sup>31</sup> who dealt with religious matters. When frictions arose between the Recorder's Court judges, the court itself was abolished.

Thereafter, a Royal Charter was issued that replaced the Recorder's Court with a Supreme Court in Bombay, and this court was inaugurated on 8 May 1824 (Jain 2012).<sup>32</sup> All the powers of the Recorder's Court were transferred to the Supreme Court. One of the biggest differences between the Recorder's Court and the Supreme Court was that all the judges of the Supreme Court were required to be lawyers. However, this jurisdiction directly conflicted with the jurisdiction of the already established courts, namely the *Suddar Diwani* and *Faujdari Adalats*, which were the existing East India Company Courts.

---

<sup>28</sup> See Jain 2012 for a detailed account of the development of the administration of justice in Bombay.

<sup>29</sup> Panel of the Bombay High Court Exhibition.

<sup>30</sup> Muslim priest or scholar.

<sup>31</sup> Hindu priest or scholar.

<sup>32</sup> The establishment of Supreme Courts in the three presidency towns of Bombay, Madras and Calcutta created similar powers for all three presidency towns along with instilling a uniformity in their practice. While Calcutta remained the capital city, the Supreme Courts in Bombay and Madras were permitted to perform all acts and duties as the Supreme Court at Fort William in Calcutta was authorised to do (Jain 2012, Sarkar 1997).

The political events of 1857<sup>33</sup> triggered changes in the functioning and power structure of the East India Company. Due to the changes that occurred, the Government of England assumed direct rule over the territory of British India (The Editorial Committee 1962). One of the major changes introduced was to the administration of justice in terms of the introduction of *The Indian High Courts Act, 1861*<sup>34</sup> which issued Letters Patent under the Great Seal of the United Kingdom that led to the establishment of the High Courts of Calcutta, Bombay and Madras (Gopalratnam 1962, Nair 1987). The primary provision of this Act was to merge the Supreme Court and *Sudder Adalats* in the three presidency towns. Following this, the Charter of the High Court of Bombay was issued on 26 June 1862 and the high court was inaugurated on 14 August 1862 with an original and appellate side jurisdiction.<sup>35</sup> The Privy Council in England was the final court of appeal for the high court. This connection to the Privy Council was brought to closure on 15 December 1949. On 26 January 1950, the Republic of India was created through the adoption of the Constitution of India which also established the Supreme Court of India as the highest court of appeal for the republic. Post-independence, the Bombay High Court continued to exist under the Constitution of India adapting itself to the change of jurisdiction and placing it under the final rule of the Supreme Court of India. After the reorganisation of States in November 1956, the jurisdiction of the Bombay High Court was extended extensively. As of today, the Bombay High Court has Benches in Nagpur and Aurangabad along with a permanent Bench in Panaji, Goa. The High Court now has jurisdiction over the states of Maharashtra and Goa and the union territories of Dadra and Nagar Haveli and Daman and Diu.

## SECTION 2: ESTABLISHMENT OF THE BOMBAY HIGH COURT BUILDING

Along with the legal and legislative origin of the Bombay High Court, the transition of the court into its present building is noteworthy. The Bombay High Court is a neo-gothic structure that is built in front of a large stretch of *maidans*<sup>36</sup> in Bombay (see Image 33). When the Bombay High Court was first the Admiralty Court, Recorder's Court and the Supreme Court it was housed in a building at Apollo Street in Bombay

<sup>33</sup> The *sepoy* (Indian soldier) mutiny of 1857 is often considered as the first war for India's independence. The mutiny eventually led to the dissolution of the East India Company.

<sup>34</sup> Act 24 and 25 Vict. C.104.

<sup>35</sup> n.d. *History: High Court of Bombay*. Accessed July 2, 2016. <http://bombayhighcourt.nic.in/history.php>.

<sup>36</sup> A large, open field.

called the ‘Admiralty House’.<sup>37</sup> As per the High Court of Bombay website, construction of the present building began in April 1871 and was completed in November 1878. The building has been designed in a neo-gothic style by Lieutenant-Colonel John Augustus Fuller. The exact measurements of the high court building, as available on the High Court of Bombay website, are 562 feet in length and 187 feet in breadth. The central portion of the building is 178.5 feet in height with the side towers reaching up to 90 feet. Designed by J. A. Fuller of Royal Engineers, the building is a representation of the gothic revival style of architecture (Mehrotra and Dwivedi 2004).

When viewed from its front facade, the high court building has the exterior manifestation of a large, daunting structure. The monumentalisation of law through awe inspiring court buildings is a feature prominent in most courts across the world wherein a large structure plays a symbolic role and signifies a motif of the ornate nature of the law (see Goodrich 1990, Haldar 1994, Mulcahy 2011). As Haldar writes, ‘[A]ll courts exist in their architectural representations’ and therefore the first view of a court building is an important signifier of the legitimacy rules and ideas that the court is setting out for the people who enter its premises (1994:200). An overarching structure plays the role of a dominant figure that indirectly has the power to control the subjects that enter its precincts.<sup>38</sup>

The predominant central tower of the Bombay High Court is flanked on both sides with neo-gothic styled components to the building (see Image 34). Two towers are seen in the front with spiral staircases running inside them. The roof of the central tower is the highest, with some portions covered in glass that allow for a flow of natural light inside the court. Under the arches, in the front, are long corridors that form the judge’s walkways in the current layout of the high court. The basalt stone that was used in the construction is visible across the court building. Mehrotra and Dwivedi (2004) write of an anonymously authored book which documents that Fuller designed the high court building based on a sketch that he had made on seeing one of the castles along the River Rhine in Germany. Taking this information forward, they compare the central tower of

---

<sup>37</sup> n.d. *History: High Court of Bombay*. Accessed July 2, 2016. <http://bombayhighcourt.nic.in/history.php>.

<sup>38</sup> This is seen in structures of all the presidency town high courts of Bombay, Madras and Calcutta along with the post-independence construction of the Supreme Court of India, amongst other courts in India.



the court and the turrets to those of a ‘medieval citadel’ (Mehrotra and Dwivedi 2004:39).

Architecturally, the roof of the high court is two-thirds of its height and it extends on either side like two projecting wings along with two grand roofs (Mehrotra and Dwivedi 2004). In sync with the neo-gothic style of architecture, there are gothic arches and columns on each floor (see Image 35). Fuller had incorporated these in order to accommodate the sea breezes (as at that point the high court building was facing the Arabian Sea) and for enhanced ventilation of the building (Mehrotra and Dwivedi 2004). The corridors were created in a particular style so that the rain from the south-west monsoon winds would not hit the courtrooms and the judges’ chambers were also enveloped within these passages.<sup>39</sup> The walls of the high court building are covered in *chunam* (lime plaster) along with blue basalt and rubble on the exterior. The material for constructing the high court building was sourced locally. The basalt stone was brought from Sewri and the Malad stone was procured from the stone quarry in Malad – both Sewri and Malad are areas that are part of Bombay city.<sup>40</sup> While the basalt stone is a very hard stone it does not have any carvings in it; all the carvings in the Bombay High Court are done in the limestone as that is an easier stone to carve in. To make the ceilings stronger, there is an additional layer of carved teak wood along all ceilings in the courtrooms (Mehrotra and Dwivedi 2004). The building has a set of two private spiral staircases that are only accessible to the judges (see Image 36). Other than these staircases, there are spiral staircases to the centre, east, and west of the building.

The courtrooms of the Bombay High Court have huge arched windows that open up into the corridors that face the *maidan* across the front entrance. With the Arabian Sea close by there is always a strong wind blowing through. However, by the year 2009, after several requests from different members of the court, the court was provided with air conditioners.<sup>41</sup> Therefore, the open windows are now closed, and there are split air

---

<sup>39</sup> As narrated by Kruti Garg, a conservationist architect, during the guided heritage walking tour of the Bombay High Court on Saturday, 1 February 2014.

<sup>40</sup> As narrated by Kruti Garg, a conservationist architect, during the guided heritage walking tour of the Bombay High Court on Saturday, 1 February 2014. Garg explained that these were the colloquial names used for these stones.

<sup>41</sup> Air-conditioning was implemented in the court building in parts. By the year 2009 almost all the courtrooms and judge’s chambers had been provided with air-conditioning.

conditioners placed along the ceilings. The wooden covering for the doors and windows also remain closed most of the time.<sup>42</sup>

The Bombay High Court building is built on land that was once flattened out by the British in fear of an attack by the French in 1772. This land was reserved as open space in front of the main fort so as to prevent from any such attack (Mehrotra and Dwivedi 2004). The fort walls were demolished in the 1860s and this vast piece of land was opened up for construction. When this plot of land was thus available, after some funding from private parties, a few public works buildings were commissioned. These buildings all used the gothic revival style of architecture, also known as the neo-gothic style, in order to maintain what the British believed as an ‘imperial image’ (Mehrotra and Dwivedi 2004:27). This style is seen in the adjacent University of Mumbai Library and Convocation Hall, along with the iconic Rajabhai Tower<sup>43</sup> that stand next to the Bombay High Court building till date.

Like most of the other Public Works Department (PWD) buildings in the area, the Bombay High Court’s completion was also delayed for over a decade (Mehrotra and Dwivedi 2004). There was a long bureaucratic process to pass a resolution for its construction. Further, there were objections from different people towards its construction. One objection came from the judges of the Bombay High Court who stated that the sound of the nearby railway station would hamper the proceedings of the court (Mehrotra and Dwivedi 2004).<sup>44</sup> The PWD thus had to deal with different apprehensions during the construction of the building. Final construction thus began in 1871 and was completed in 1878. The entire cost of construction of the building was ₹16,44,528 which was ₹2,668 less than the original sanctioned amount, as is mentioned on the Bombay High Court website and documented by Mehrotra and Dwivedi (2004). A commemorative plaque in marble preserves this fact of history on the first floor landing of the main staircase of the high court building. The reduced cost of

---

<sup>42</sup> In my opinion, the air conditioning of the court has changed the very essence of the Bombay High Court – its openness to the city outside.

<sup>43</sup> The clock tower.

<sup>44</sup> Objections to court structures and validation from judges for court features has been noted in several courts in the United States of America and in the Constitutional Court of South Africa (see Chapter 2, Resnik and Curtis 2011).

construction has led to its own folklore and fascinating judicial iconography in the corridors of the court (Vachha 2011, see later in this chapter).

It is relatively less known that, on completion in 1878, the Bombay High Court building met with stinging criticism in the colonial press. On 21 March 1879, the *Times of India* carried an editorial piece that extensively critiqued the architecture of the Bombay High Court – both externally and internally. Fuller was reproached for the, ‘discomfort he had so ingeniously contrived to entail upon many generations of the legal profession in India’ through the construction of an unfeasible high court building (*Times of India* 1879). The editorial berates the extravagant expenditure on constructing the court building adding that public money had never been spent on a hindrance for people in a manner worse than that displayed in these court premises. The editorial critiqued the very design of the building and its interior plan. The editorial mentions that Fuller was, ‘looking only after outside effect’ and therefore, ‘seems to have planned the shell of the building first, and then to have thrust in his courts and chambers and staircases where he could’ (*Times of India* 1897). The architect was criticised for his focus on the external majesty of the building while ignoring practical requirements of the profession thus: -

On the highest platform, almost out of sight and hearing, sits the judge on a carved teak throne; below him the court officials. The senior counsel are only allowed five chairs in front of a short table on the lowest platform of all...the junior counsel are banished to the edge of another raised platform at the back, utterly away from their seniors; and their chairs are placed so as to be in constant peril of a sheer drop of five feet. For this reason, most of them stand, clutching on to something. No kind of accommodation is provided for the solicitors or their clerks, so that it is impossible for either to hold any communication with the gentlemen they are instructing, while the junior counsel are completely cut off from the seniors with whom they are acting. The result is simple. Not one fifth of the bar practising in Bombay can ever find seats at all. The judge cannot hear the counsel; the counsel cannot hear the witnesses; and the reporters, who are seated on the tiles among the public below, can see neither the one nor the other, while to anyone who ventures into the gallery, the whole thing is dumb-show (*Times of India* 1897).

The editorial even suggests that, ‘pending a report, all work inside the building should be at once suspended’ (*Times of India* 1897). It continues to write that, ‘The Government have had their own way throughout the erection of this inconvenient

building; in the interests of the general public the judges should now interfere, and bring a little practical common sense to bear upon the interior arrangements' (Times of India 1897).

Fuller was fully decimated for constructing a building that resembled an imperial building but did not meet the requirements of a growing legal profession or depict the minimal understanding of the needs of this imperial legal profession. Schmitthener (1968-1969) traces how the number of solicitors, barristers and clerks increased from the first East India Company courts to the Supreme Courts in the presidency towns and the trend continued in the high courts that were formally started in 1862. This accompanied a demand for new court buildings where the colonising rule of law could seat itself in imperial resplendence. However, the imagination of the interior of the courtroom as if it were an empty space that simply had to be filled up with platforms, thrones, benches, stairs and corridors suggests a specific imagination of how colonial law was monumentalised within. The placement of these artefacts within the courtroom was used to divide up space separating the colonial judge from the masses. However, the systemic lack of attention to whether or not lawyers, solicitors and clerks had enough space to communicate with each other and the Bench created what Pat Carlen (1976) calls “auditory autism” between these legal actors. Fuller’s imagination of the Bombay High Court ridiculed through the images of wigged and robbed colonial judges perched precariously on high seats of colonial law, is also indicative of the lack of concern with the needs of the emergent Bar, sometimes at odds with the colonial rule. As the legal profession grew and consolidated itself (Mendelsohn 2005), it offered several challenges to colonial law from within (Sharafi 2015). The story of the contradictions within colonial law was written in these foundational moments of the opening of the Bombay High Court – a story that was repressed and manifests<sup>45</sup> in

---

<sup>45</sup> Today, with a sanctioned strength of seventy-five judges (which has further been raised to ninety-four since 2015, as noted in the Order of the Bombay High Court in *Ahmad M. Abdi v. The State of Maharashtra and Others*, dated 15 October 2015), and a work-load that is immeasurably larger, the court suffers from the same problems of space and convenience internally (not all seventy-five judges are expected to sit in the main building of the Bombay High Court. They are divided into the Benches at Nagpur, Aurangabad and Goa). In the Foreword to the book by Mehrotra and Dwivedi, the then Chief Justice of the Bombay High Court highlights the fact that the building had been critiqued since its inception. He acknowledges that many of the apprehensions are indeed correct. The only fact remains that the statements assuring that the building would not survive the test of time do not stand true. During the course of my fieldwork, both through interviews and observations, it was apparent that there was not enough space in the court and the court authorities had tried to upgrade the building to make it more modern but there is a limit to the extent to which the building can be modified.

different ways as the Bombay High Court moved into independent India to interpret the Constitution of India in ways that made history. In many ways, Fuller's inability to monumentalise law by imagining the way judicial hierarchy would evolve and the importance of architectural design to keep judicial elites apart yet in communication haunts the Bombay High Court even today.

### SECTION 3: LAYOUT OF THE BOMBAY HIGH COURT

The main building of the Bombay High Court has three floors. As per the initial design of the court, the upper floors were built for the offices of the court, that is, the first and third floor were used for general office space (Mehrotra and Dwivedi 2004). All the courtrooms were located on the second floor. Every courtroom had a chamber attached to it. While this practice continues, the division of courtrooms, offices and chambers has changed over the years. The structure of 1862 even had space for accommodation for court officers. This was provided 'above the roof of the third floor' (Mehrotra and Dwivedi 2004:53). The court keeper was housed here.<sup>46</sup>

The current organisational layout of the courtrooms in the Bombay High Court is dictated by convenience as its primary concern. The biggest chamber, that is chamber number 50, is assigned for the chief justice of the court. The court closest to this chamber is courtroom number 52 which has unofficially become the chief justice's courtroom due to its proximity. One court staff told me that courtroom number 52 has always been used as the chief justice's court as it is attached to the largest chamber in the court. This court staff also noted that it is only in the Bombay High Court that courtroom number 1 and/or the central main court is not used as the chief justice's court.<sup>47</sup> On the same floor, the next available chamber is given to the senior most judge (after the chief justice) of the court. Accordingly, the courtrooms are assigned in this order on the second floor. If there is a division bench, then the court that is closest to

---

<sup>46</sup> During my interviews, a personal assistant to a judge of the high court narrated a story of the days when the court keeper lived on what they today call the *saade-teen mala* (the three and a half floor). Legend has it that there were ghosts who lived on these upper floors and often when the court keeper went to leave the keys there, he was hit by an unknown force and thrown down the narrow spiral staircase. At least three different interviewees verified this story of different clerks, peons and court personnel being slapped by a force while climbing up the stairs and being thrown down, after dark or during the night. They also added that this does not happen anymore as there is no more the requirement to leave the keys on this floor so no one goes there anymore after it gets dark.

<sup>47</sup> This observation is true for the Madras High Court (see Chapter 4), Calcutta High Court (see Chapter 5) and the Supreme Court of India where courtroom number 1 has always been the chief justice's court.

the senior judge's chamber is assigned as the court for the division bench. This system of seating is not fixed and it often changes on the basis of requirements, rotations and elevation of judges. Therefore, the size of the room rather than the floor marks the mapping of judicial hierarchy in the Bombay High Court.<sup>48</sup>

In most cases, the junior most judges are assigned the chambers on the “*saade teen mala*” (three and a half floor), that is, the mezzanine floor created by a narrow spiral staircase that makes space for chambers due to the high ceilings in the court (see Image 37). This organisation of the court is not an official layout and was explained to me by one of the senior solicitors that I interviewed during the course of my fieldwork.<sup>49</sup> In some ways, this organisation of the court follows a basic didactic structure as enunciated by Goodrich (1990). The symbolism here reflects the format of legitimacy and control that the court layout exercises over its subjects. In this case, the senior judges are given first preference and priority on the basis of the size of the chamber. The junior judges are often assigned the small and inconvenient chambers. These are underlying rules that assist the court in maintaining a hierarchy within its structure, which it can then exert over elements that form a part of its functioning.

An additional feature of control within the Bombay High Court is through what the court views as “serious” law. The Bombay High Court judges had abandoned the original idea, which was proposed in February 1866,<sup>50</sup> of accommodating a Small Causes Court on the ground floor of the same structure.<sup>51</sup> The reason for this being that they did not want the ‘noise’ from these courts to interfere with the more ‘serious’ business of the high court (Mehrotra and Dwivedi 2004:49). This reasoning is in itself a clear illustration of how the judiciary organises different branches of law

---

<sup>48</sup> In contrast, in recent high rise courts the lower floors with grander courtrooms are reserved for senior judges with the top most floors given to judges lower in the judicial hierarchy, for example, in the district courts in Ahmedabad (see Baxi 2014).

<sup>49</sup> This solicitor in particular had written about and done some extensive work on the history of the court and therefore was able to throw some light on the organisation of the court.

<sup>50</sup> There were two resolutions passed with respect to accommodating the Small Causes Court within the high court premises. One resolution was passed in early February 1866 and the second resolution was passed on 5 March 1866 (Mehrotra and Dwivedi 2004).

<sup>51</sup> The completed building of the Bombay High Court had the rooms that were originally intended for the Small Causes Court. After the idea was abandoned by the judges, these rooms were used by the Sheriff, the Clerk of the Insolvent Debtors’ Court, the Official Assignee, the Clerk of the Crown, the Printing Department of the Court, the Sub-Registrar of the Fort Division and the balance rooms were rented by barristers who were practicing in the court.

hierarchically, attributing greater value to constitutional matters over small causes matters, distributing power and privilege between briefs and courtrooms, with the ranks of judges and reputations of solicitors marking a separation of higher and “purer” matters of law from the everyday prosaic of the law. In other words, every floor of the court, and every courtroom maps different forms of judicial hierarchy.

How then does the Bombay High Court organise courtrooms, chambers, libraries and pictures, plaques and the museum from the lowest to the highest floor? Beginning the description of the high court<sup>52</sup> from the lowest floor to the highest, the ground floor of the Bombay High Court comprises of eight courtrooms and eight chambers. On the complete left side of the building is room number one which is the judge’s library. Embedded on the side wall, between courtroom number 6 and judge’s chamber number 7, is placed a small marble plaque in memory of John Duncan Inverarity.<sup>53</sup> In the centre of the building, between courtroom 9 and courtroom 10, is the path to the main entrance of the high court from where the judges enter (see Image 38). The right side of the building opens into room number 18 which is the Advocate’s Association of Western India (AAWI). Next to this is room number 17, which is the Bombay High Court Museum.

The Bombay High Court Museum is a recent addition to the high court. It was inaugurated on 14 February 2015. As for the other two chartered high courts, the Madras High Court Museum was opened in 2005 and the Calcutta High Court does not have a museum. The museum’s main highlight is the model courtroom of the 1900s that is on display with all the regalia of the time, including though not restricted to, the overhead cloth fan, ink pot with a feather pen, writing stand, judge’s mace, typewriter and candle stands. The panels of information along the walls of the museum detail the history of Bombay city along with the establishment of the earlier courts up until the creation of the Bombay High Court. The museum also displays a gown, wig and actual attorney’s rolls from 1824 to 1976. There are profiles of several eminent lawyers

---

<sup>52</sup> Judge’s assignments and courtrooms are revised at regular intervals and therefore the placement of a particular judge in a particular courtroom, with the exception of the chief justice, is not constant. I have noted the courtroom layout as on 20 April 2016, during the course of my fieldwork.

<sup>53</sup> Inverarity was a British barrister who practiced in the Bombay High Court from 1879 onwards until his death. On his death in 1923, the Bombay High Court held a full-court reference and the court was closed on the day of his funeral (information taken from a panel of the Bombay High Court Museum).

associated with the high court – John Duncan Inverarity, Mohammed Ali Jinnah, M.K. Gandhi, Bal Gangadhar Tilak, B.R. Ambedkar and M.C. Chagla, amongst others. Another panel has photographs of the high court along with portraits of various judges. In the centre of the museum, several documents relating to the charters of the various courts and certificates of application of some advocates are placed.

The first floor of the high court building has nine courtrooms and seven judge's chambers. Along with this, room number 23 is for the Prothonotary and Senior Master<sup>54</sup> and room number 24 is for the Protocol Officer and Court Keeper. On the extreme right wing is room number 36 which is for the AAWI. Along the corridor of the court on the first floor, between courtroom number 28 and judge's chamber number 29, there is a post box placed. Courtroom number 37 that is at the end of the corridor in the centre of the high court is often referred to as the "hidden court" as it is towards the front of the building and therefore hidden from the regular view.

The second floor has seven courtrooms, including the central courtroom number 46, and seven judge's chambers. The extreme left wing opens into room number 38 and 39 which together comprise the High Court Law Library. Chamber 50 and courtroom 52 are for the Chief Justice of the court. Room number 51, which is between the chamber and courtroom of the chief justice, is reserved for the Registrar and the Principal Secretary to the Chief Justice. The right side wing corner has the press reporter's room – room number 55. The wall outside courtroom number 52 has a statue of M.C. Chagla, the first Indian Chief Justice of the Bombay High Court.

The third floor comprises of eight chambers for the judges and has no courtrooms. The left corner consists of room number 56 which is the High Court Law Library and room number 57 which is the room for the Bombay Bar Association (BBA). The right corner, with room numbers 69, 70 and 71 house the civil department, records and writ petition branch. In between chamber number 63 and chamber number 64, which is the central portion of the court building, is the viewing gallery for the central courtroom, the entrance of which is from the third floor. The "*saade teen mala*" (three and a half floor) has the chambers of four judges and the erstwhile court keeper's office.

---

<sup>54</sup> The chief clerk of a court of law.



The internal structure of the courtrooms is similar and changes are mostly influenced by the size or shape of the courtroom. The basic structure and positioning of the main elements of the courtroom remain the same (see Image 39). However, as mentioned below, the structure of the courtrooms in the high court extension building are completely different. The courtrooms in the main high court building have the judges seated at an elevated position. There is a sufficient distance between the judges and the lawyers. The space between the judges and the lawyers is occupied by the judge's personal assistants who carry out the typing work, the court clerk who is in-charge of the Board<sup>55</sup> and other court personnel. Alongside the table where they are seated are piles of papers and huge volumes of different legal books.<sup>56</sup>

Beyond this space is where the lawyers stand for arguments with their backs facing the seating area for lawyers, litigants and the general public. The construction of the main high court building is a form of inconvenience that is accepted for the majesty of the court building. The courtrooms of the main building have high ceilings with fans coming low down and long white tube lights across the room (see Image 39). The height of the ceiling has been termed as 'useless' in a newspaper article as cited by Mehrotra and Dwivedi (2004:76); however we may think of the high ceilings symbolising an 'empirical overall style' that organises visual relationships in a format of a panoptic surveillance that assists in watching over persons who come to court for judicial proceedings (Foucault 1975, Goodrich 1990:190).

Space within a courtroom is often regulated between judges and advocates and further between advocates and litigants and/or the general public. There are two entrances to the courtroom, one for the judges and one for the lawyers, litigants and other persons. The judge's entrance faces the main entrance of the court and is part of Fuller's initial design of two separate stairways for the judges. The architectural separation of judges from lawyers, court staff and litigants is marked not only in the heavily guarded corridors meant only for the judges but the court also features a separate library, lounge

---

<sup>55</sup> This is the primary function of the court clerk, amongst other functions. The Board refers to the matters that are listed before the judge.

<sup>56</sup> This distance was critiqued by the *Times of India* on 28 January 1879 in an article the day after the first sitting in the new high court building. It was stated that the inconvenience of the seating arrangement of judges and barristers was such that neither the judge nor the barrister could see each other.

and conference hall specifically for judges. The public does not have access to the iconography or carvings that adorn these secret corridors of the court.<sup>57</sup> Yet far from being devoid of judicial ornamentation or iconography, the inner recesses of the court solicit the company of visual artefacts as if to soak every robe into the performative sombreness of their role of judging. The monumentalisation of law then is as much “internal” as it is “external”. The judge as the highest form of sacrality is imbued with the highest amount of iconographic, allegorical and ornamentative value. Court building designs, iconography and ornamentation is used as a technique to divide spaces between different judges, between judges and lawyers and between the judge or the lawyer and the litigant (see Goodrich 1998, Mulcahy 2011, Resnik, Curtis and Tait 2013).

The basic size of a courtroom is large. There is no separate seating area for journalists, a grievance that most of the journalists I interviewed expressed. However, in the chief justice’s courtroom, unofficially, the journalists are allowed to sit near the court clerks. When the high court was first occupied on 27 January 1879, the press had critiqued the making of the court assessing that there was no space made for reporters and even the public gallery did not have chairs, therefore, making it inconvenient for any person who wanted to come and listen to court proceedings (Times of India 1879). The journalists that I interviewed also complained that when the microphones were turned off, they could not follow the court proceedings and reporting became difficult.

All the courtrooms on the second floor of the high court main building have a viewing gallery. When I observed court proceedings, these were not in use, except for the viewing gallery of the central courtroom. However, the viewing gallery of the central courtroom is not open to the public. Furniture in the courtroom is usually solid teak wood, which includes the judge’s chairs and tables, chairs for litigants, the barricades and witness boxes (see Image 39). The flooring is a combination of tiles and wooden strips. The chairs of the judges, mostly made of solid wood, have tall backs with the Lion Capital of Ashoka<sup>58</sup> inscribed on the top arch. One solicitor that I interviewed

---

<sup>57</sup> The carving of the “monkey judge” as described later in this chapter is located on the side of the judge’s corridor and therefore away from the visual of the lawyer, court staff, litigant and general public. The mural of lady justice in the Supreme Court of India (see Chapter 2) is also located in the judge’s section of the court and therefore not accessible to lawyers, litigants and the general public.

<sup>58</sup> The Lion Capital of Ashoka is the official Indian government emblem.

compared the judge's chair to that of a throne as the chair was so large. The solicitor narrated a story where one of the judges of the court could not sit on the original chair as it was too huge and the judge was too short, so the judge's legs would dangle from the chair making it very uncomfortable for the judge. The throne-like resemblance was therefore important even when it was not practical. This relates to the structure of the building of the Bombay High Court wherein it was critiqued as being most impractical and inconvenient for the people that it was made for. One Judge shared an interesting observation on the chairs that were made for litigants and lawyers to sit on in the courts (see Image 39). The Judge explained that even the chairs in the court are round so that when you sit in court you cannot slouch, you are forced to sit straight, in an upright position because the arms of the chair are such that you have to keep your arms straight on the arm rest and there is no place to put them elsewhere. Therefore, along with the court building, even small aspects of the furniture of the court are geared towards the maintenance of the hierarchical setting that is inbuilt in the judicial system.

In some courtrooms, the wooden chairs have been replaced with modern metal chairs with cushion seats. The witness box is placed on the side (either right or left side) of the judge's table, almost in a corner and not directly noticeable. However, this could be because the Bombay High Court is largely a court of appeal in criminal cases and therefore witness testimonies are generally not used in most cases. I observed the maximum use of the witness box in the court that heard family court matters. In this court, often the petitioner or respondent was present and would need to communicate with the judge. The witness box is placed at the same level at which the lawyers stand. Apart from this, a lot of wall space in certain courtrooms is used as bookshelves which merge seamlessly into the court furnishing.

Observing the basic layout of the courtrooms in the Bombay High Court, I relate to the observation noted by Resnik, Curtis and Tait when they write that, 'The judge is embodied by location in the place of honor, an elevated bench, in the space of honor—the courtroom' (2013:520). The authors also reference the comparison of the courtrooms as the pearls within the court buildings (Resnik, Curtis and Tait 2013). Therefore, with the importance mounted upon the courtroom, they note that, 'What specifies a room as a courtroom is a layout that dedicates an isolated, esteemed space for the judge' (Resnik, Curtis and Tait 2013:520). Along with this separation of the

judges from every other person in the court space, ‘the major emblematic gesture is the enclosing structure, providing visual evidence of what interactions among judges, lawyers, architects, politicians, and citizens seek to inscribe’ (Resnik, Curtis and Tait 2013:520). Therefore, the construction of the separated space ascribes a particular honour to the judges that is provided through this visual manifestation.

The common areas of the court complex comprise of the entrance compound, which is the back entrance of the high court building. It forms the space between the main high court building and the high court extension building. When facing this side of the high court building, there are two entry points which are security check-points located at the two ends of the complex. At both these ends there are toilets that can be used by lawyers and litigants. The right side entrance is the toilet for men and the left side entrance has the toilet for women. They are located on the ground floor of what forms part of the high court extension building. There are no other public toilets for use in the high court building.<sup>59</sup> These toilets are extremely unhygienic and dirty. When I was a judicial clerk in the Bombay High Court, one of the Judge’s had told me that I should use the toilets in the judge’s chambers as opposed to those of the high court as they were in an extremely poor condition. Hence, spaces shrink, resources become scarce and facilities poorer for the litigants and general public, as one goes down the judicial hierarchy (Baxi 2014).

Another common area of the court space is found through its main corridors that run along all three floors of the high court building. There are two sets of corridors that are parallel to each other. The corridors facing the front entrance connect the judge’s chambers to the various courtrooms. The corridors on the other side are for use of lawyers, litigants and the general public. At regular intervals along these corridors, there are benches to sit on. However, during my fieldwork, these benches were often covered with pigeon droppings and therefore unable to be used. This was the only seating space available for the public other than space within the courtrooms itself.

---

<sup>59</sup> As of August 2015. There are toilets in the Bombay Bar Association room and in the High Court Library but a litigant or the general public would not be given access to the same without a lawyer accompanying them.

At the left extreme side of the court compound is a canteen that is open for all persons who come to court. The canteen has a seating area for persons to eat and also has the option to pack a meal and take it away. Often court staff are seen ordering a meal from here and consuming it in their staff offices. In certain courtrooms, during lunch break, some court staff use the space to eat from their own lunch boxes. While this one canteen is located at the entrance of the court and open to all, there is another canteen on the third floor of the high court building. This is part of the Bombay Bar Association room. When you enter the Bar Association room there is a small stall with few food items. There are two tables placed next to it where anyone is allowed to sit and eat their own food or food ordered from the canteen.<sup>60</sup> This space is open to all but one does not see people here without their lawyers.<sup>61</sup> Ahead of this is a wooden divider that marks the space within the Bar Association room that is only for members of the Bar Association. Here members sit and are permitted to have meetings with clients also (see Image 40). At the back corridor is a small coffee stall and another canteen that caters to the lawyers permitted to use the Bar Association room.

With respect to the acoustics in the courtroom, a change has been brought about with modernisation and through the introduction of microphones. There is a microphone for every judge and two microphones for the lawyers arguing, in both the main building and the high court extension building. During my research, I observed that in most courtrooms the judges did not use the microphones. For the lawyers who did use them, the voice was carried forward and thrown in the front, towards the judge and away from the people behind the lawyer. Therefore, from where I was seated I could not hear the proceedings of the court as the court acoustics were not conducive for persons in the court to be able to hear the proceedings (Mehrotra and Dwivedi 2004). My spot being alongside the litigants, it was clear that most often litigants could not follow their own cases in court. Goodrich (1990) takes this argument further to state that irrespective of whether a judge and a lawyer could be understood, it was impossible for them to be heard. Goodrich quotes Pat Carlen describing how, ‘spatial arrangements...which might signify to the onlooker a guarantee of an orderly display of justice, are too often experienced by participants as being generative of a theatrical autism with all the actors

---

<sup>60</sup> As of February 2017, this section of the Bar Association room has been removed.

<sup>61</sup> This could primarily be because one would not be aware of this canteen space if not informed by a lawyer or someone well-versed with the court.

talking past each other' (1990:193). The litigants were thus often unable to hear, let alone comprehend the words exchanged between the judges and the lawyers.

During my fieldwork, I would dress in black and white, as a result of which, many litigants presumed I was a lawyer and would ask me if I had followed what the judge said and if I could repeat the same to them. Goodrich writes about how courts are designed with poor acoustics, wherein, there is the feel of awe due to the arrangement of the court but actually it can be a 'frustrating' experience for the litigants who believe that they have come to the court for justice and are unable to hear what the judge is dictating about something that is directly going to influence them (1990:191). This is one of the character traits of the functioning of a court which substantiates and reiterates Goodrich's (1990) argument about how justice must not only happen but also must appear to be happening (see also Halder 1994).

The organisation of the main building of the Bombay High Court today is a mix of the old colonial era and the modern day requirements. This is reflected in the air conditioning system and the microphone system being introduced. Further, there are now electronic boards in all the courtrooms stating the number of the ongoing case and displaying other necessary information. In the corridors there is one large electronic board that displays the status of the cases in the different courtrooms. The old elevator has also been replaced by a modern elevator in the same column that runs in the centre of the court. The spiral staircases on the two wings are a steep climb as the floors have a great height. Even with the transition from the old to the new, some problems have followed the court since its inception. In 1879, the Editor of the Bombay Gazette categorically spoke about how the court that was built for the public was designed in a manner that was most inconvenient to the public (cited in Mehrotra and Dwivedi 2004). The Editor compared the arrangements inside the courtroom to those of the 'caste system' wherein the only people who were given the best comforts were the judges, barristers or other officials of the court (Mehrotra and Dwivedi 2004:68). Here, caste acts as a metaphor for spatial, temporal, corporal and visual separation between the experts, which the upper caste Brahmins were considered to be, and the non-experts, that is, the so-called lower castes and the outcastes who were never allowed access to the experts' knowledge. The reference to the structure of the courtroom is thus similar to the structure of the caste system with the division of the upper castes (the judges)

and the lower castes (the people coming to seek justice) and their placement in the psychological and physical hierarchy of societal norms.

### 3.1 PORTRAITS IN THE BOMBAY HIGH COURT

Most courtrooms are decorated with portraits of different jurists.<sup>62</sup> These are huge portraits with large frames that are hung in a way that they are leaning downwards in a form that is looking upon and watching everyone below the frame.<sup>63</sup> This kind of a setting is very common to any “legal” establishment and is seen in the Madras and Calcutta High Courts also. It forms part of the basic characteristics of what is read as judicial iconography of courtrooms (Goodrich 1998). The Bombay High Court walls also have portraits that contribute to the legitimacy it derives from the different attributes present in the courtroom.

The placement of portraits of certain persons has been contested in the Bombay High Court. The primary contestation was raised in the context of the trial of Tilak that took place in the central courtroom of the Bombay High Court. So important is the memory of this trial to the Bombay High Court that since independence there have been different manifestations and forms of rhetoric to define the way the trial is remembered within

---

<sup>62</sup> The portraits in the Bombay High Court comprise mainly of former judges of the Bombay High Court, both Indian and British. The list of the different portraits in the Bombay High Court as on 8 July 2013 were: Chief Justice’s courtroom (courtroom number 52): Justice M.C. Chagla, Justice Jenkins (both behind the chief justice’s chair), Justice H.K. Chainani, Justice Sargent, Justice Beaumont and one unnamed portrait (side and opposite walls of the courtroom). Courtroom number 49 had eight portraits altogether of which only one was named, that of, Justice Sitaram Patkar. Of the balance seven portraits, all seven appeared to be of Indian judges. Four of these portraits were on the wall behind the judge’s chairs and four were on the wall opposite the judge’s bench. In Courtroom 43 there were 6 portraits, two behind the judge’s chair and four on the opposite wall in front of the judge’s bench: Justice Gajendragadkar, Justice J.C. Shah and Justice Sajba S. Rangnekar KT, Justice Macleod, Justice Bomanji Jamsetji Wadia and Justice H.J. Parsons. Courtroom number 40 comprised of four portraits which are of Justice Davar, Justice Farran (behind the judge’s chair), Justice Tyabji and Justice K.T. Telang (opposite wall from the judge’s bench). Courtroom number 31 had one portrait on the opposite wall to the judges of Justice S.A. Tendolkar. Courtroom numbers 54, 16, 16-A, 21-A were closed. Courtroom number 24 was under renovation. Courtroom numbers 53, 34, 28, 27, 26, 22-A, 21, 20, 19, 17, 16-B, 13, 10, 9, 6, 3, 2 had no portraits.

<sup>63</sup> In a class I attended by Goodrich while at New York University School of Law, he spoke about how law school classrooms are designed. He pointed out that their design is very different from the other classrooms at New York University. The law school classrooms had students seated in a coliseum-like setting with each row of seating being higher than the previous row. This was a didactic environment in which law was taught to the students. Along with this, the law school corridors and classrooms were adorned with large portraits of different legal luminaries or law professors associated with the law school. (I was a Masters of Law (LL.M.) student at New York University School of Law, New York for the academic year 2009 - 2010).

the court, as mentioned later in this chapter (Sarat and Kearns 2002).<sup>64</sup> One aspect of this was seen with respect to the portrait of Justice Dinshaw Davar.<sup>65</sup> During the trial of Tilak, once the jury pronounced the verdict of guilty, the presiding non-European judge, Justice Davar, sentenced Tilak to six years' transportation and a fine of ₹2,000. Therefore, the memory of Justice Davar is associated with the verdict given to Tilak.

In August 2010, a PIL was filed in the Bombay High Court seeking the removal of statues and photographs of British judges that are present in the Bombay High Court premises (Hindustan Times 2010, Thomas 2010).<sup>66</sup> The PIL, filed by Nitin Deshpande, argues that the presence of portraits, busts and statues of British judges, specifically those associated with judgments against freedom fighters during the independence struggle, is against the dignity and patriotism of the country (Thomas 2010). The petitioner's prayer was that the court remove the portrait of Justice Davar that was hanging on the wall in courtroom number 40 and move it to a museum or any other location. This prayer was made because the petitioner held Justice Davar responsible for convicting Tilak in the central courtroom in 1908 and therefore believed it to be an insult to the memory of a freedom fighter like Tilak (Thomas 2010). The petitioner asserted that the portrait of Justice Davar should have been removed at the time of independence itself.<sup>67</sup> The petitioner continued to argue that the court should remove portraits and statues of all British judges that are present within the court building and in its lawns (Hindustan Times 2010). Here we may evoke Sarat and Kearns who note how litigation archives history and how it also constitutes courts as a site of 'memory and commemoration' in certain instances (2002:2). Sarat and Kearns argue that lawyers and litigants play an active part by which, 'history is written and memory constructed' (2002:2). Therefore, there is a certain idea of the history of the court and the independence struggle that is being contested in the space of the court continuously in the post-colonial period.

---

<sup>64</sup> Details of the Tilak trial and its relationship with the way law memorialises history has been discussed in detail later in this chapter.

<sup>65</sup> Justice Davar was a judge in the Bombay High Court from 1906 – 1916, as mentioned on the Bombay High Court website.

<sup>66</sup> This account is based on newspaper reports.

<sup>67</sup> As has been discussed later in this chapter, the post-colonial memory of the trial of Tilak within the Bombay High Court was constructed to remember history in alternate ways (see Sarat and Kearns 2002).



The PIL was heard again in August 2012, where the petitioner argued once more that these portraits be removed from the high court premises and placed in a museum instead (Press Trust of India 2012, Varghese 2012). The Bombay High Court added a museum within the court only in February 2015. As of April 2016, the portrait of Justice Davar, the bust of Sir Norman Macleod or the statue of Justice Dinshaw Mulla, have not been moved from their existing locations. One newspaper article mentions that there was a promise made by the state government in 2008 that they would remove the portrait of Justice Davar from the Bombay High Court; however that was not followed through and therefore the PIL raised a question on this (Varghese 2012). Thus, the politics of which portraits should hang in courtrooms and which portraits should be assigned to museums indicate how the external histories enter the internal history of the courtroom; and in this case, through the filing of the PIL. Equating the presence of portraits and statues of British era judges in the post-independence era of the Bombay High Court with notions of patriotism is a reflection of the conflicted relationship that the court shares with its colonial history.

### **3.2 EXTENSION OF THE HIGH COURT BUILDING**

Over time, as the issue of the lack of space in the Bombay High Court only increased, the PWD was commissioned to build a high court extension building in 1983 (also referred to as the high court annexe building). The high court extension building is built behind the court's main entrance and runs parallel to the primary high court building. A passage way connects the two buildings which is built more like a bridge between them. The building extends from the ground floor to the fourth floor. Most floors have court offices, some courtrooms and judge's chambers. The fourth floor has the Judge's Lounge and Conference Hall along with the office of the Registrar General of the High Court and other administrative offices. The ground, first and third floor have various administrative offices, including the Advocate's Clerks Association of the High Court (Appellate Side) on the ground floor, and the Registrar's (Judicial) office on the third floor.

Most of the courtrooms and judge's chambers are located on the second floor. Each courtroom has a judge's chamber attached to it. There are four courtrooms and four judge's chambers on this floor. Along with these courtrooms and chambers, room number 23A on the second floor is the Ladies Bar Room. The courtrooms in this

building do not have any resemblance to the neo-gothic architecture of the courtrooms of the main buildings. The courtrooms here are square shaped and much smaller in size when compared to the courtrooms of the main building. They have false ceilings which are low in height unlike the high ceilings of the neo-gothic era, and are air-conditioned. The basic internal courtroom structure is the same, that is, the judge sits elevated and there is a distance between the judge and the arguing lawyers. Acoustics are further improved in the high court extension building as the microphone system is new and the room size is small, therefore the judges and lawyers are audible. There are blinds covering the windows unlike the main building which has glass windows and wooden doors to cover them.

### **3.3 PUBLIC INTEREST LITIGATION FOR A NEW HIGH COURT BUILDING**

While the high court extension building was added in 1983, the debate on the lack of space within the Bombay High Court has been ongoing since the creation of its structure, as mentioned earlier in the chapter (Times of India 1879). The disparity in the spatial requirements versus the increasing number of lawyers is seen through the documentation available by Schmitthener (1968-1969) wherein he traces the increasing number of lawyers that joined the legal profession which was at one instance also associated with the increasing number of courts that were instituted by the British. Schmitthener (1968-1969) categorically states that the tradition wherein Bar libraries began to be established in courts goes back to 1825 when the Supreme Court was set-up in Calcutta. The introduction of a Supreme Court brought along with it 'recognition, wealth, and prestige' along with, 'a steady flow of well-trained barristers and solicitors' into the court system, beginning with Calcutta and continuing in the other presidencies (Schmitthener 1968-1969:343). Therefore, as newer courts were established in the presidency towns of Calcutta, Bombay and Madras, the legal profession also grew, indicating the need for larger court spaces from the inception of the idea of the high court.

With the establishment of the high courts, the legal profession continued to proliferate, therefore making the demands on space continuous (Schmitthener 1968-1969). When

*vakils*<sup>68</sup> were permitted to practice before the high courts, it, 'ended the monopoly that the barristers had enjoyed in the Supreme Courts and vastly extended the practice and prestige of the Indian lawyers' (Schmitthener 1968-1969:356). In addition to the growth and development of the legal profession in India, the amount and types of litigation also increased over the years. The introduction and increase of different kinds of litigation also meant that more space was required with legal institutions and structures. Oliver Mendelsohn (1981) traces the causes for litigation during the colonial period and the change in the causes of litigation in independent India. Mendelsohn (1981) notes this in the specific case of land reform based litigation. Mendelsohn (1981) states that rent-based litigation reduced post-independence due to the abolition of the *zamindari* system,<sup>69</sup> accounting for a drop in the number of cases; however, subsequent legislations to deal with land revenue settlements increased substantially keeping the courts packed and occupied. Therefore, while litigation causes and types changed, the legal profession continued to flourish, and the load on the Bombay High Court continuously increased leading to an ongoing debate on the need for more space in the high court.

The demand eventually came before the Bombay High Court itself in the form of a PIL. The PIL was filed in the year 2012 as *Ahmad M. Abdi v. The State of Maharashtra and Others*.<sup>70</sup> Beginning with its first order on 10 September 2014, the PIL has been heard on a regular basis before different division benches of the high court. As of 3 February 2017, the last order passed by the high court with respect to the PIL was on 7 December 2016. Abdi appeared as the petitioner-in-person in this PIL which has had several respondents added to it as it has progressed. Over the course of the hearing, the respondents have been the Union of India, the state of Maharashtra, the Brihanmumbai Municipal Corporation (BMC), the Heritage Committee of the Bombay High Court, the High Court Administration, the Bar Council of Maharashtra and Goa, the Bombay Bar Association (BBA), the Advocates' Association of Western India (AAWI) and the Bombay Incorporated Law Society (BILS), amongst others.

---

<sup>68</sup> *Vakils* were usually the Indian lawyers in pre-independence colonial courts (see Schmitthener 1968-1969).

<sup>69</sup> The *zamindari* system refers to a land revenue system that existed in India but has now been abolished.

<sup>70</sup> Public Interest Litigation No. 57 of 2012 (Ordinary Original Civil Jurisdiction) in the High Court of Judicature at Bombay.

The PIL noted that the current high court does not have sufficient space for the increased number of judges, lawyers and litigants that utilise the high court in its current time as opposed to the time of its construction. The difficulties faced by the litigants and the members of the bar were also identified. Initially, the PIL suggested using nearby buildings including the Gokuldas Tejpal Hospital (GT Hospital), that is already being used by some administrative departments of the high court; and the Central Telegraph Office (CTO) building that is adjacent to the Bombay High Court building. It also suggested an alternative in the form of constructing a completely new and modern building for the high court and proposed modelling it on newer court buildings like the Delhi High Court.<sup>71</sup> By the third Order dated 10 October 2014, the high court acknowledged the position that the current premises of the Bombay High Court are ‘grossly inadequate’ to cater to the needs of the judges, lawyers, litigants and court staff.

At the same time, the Order refers to the land offered by the state government in Sewri in Mumbai and how it was inadequate for the needs of the high court. Another suggestion was to ask the University of Mumbai, which is also adjacent to the Bombay High Court, to move to its main campus in Kalina, Mumbai and use the space made available for the expansion of the high court. Alternatively, the vacant land in the University of Mumbai main campus in Kalina itself was also considered as an option. However, when none of these options were viable for different reasons (see Shah 2015), and over the course of several deliberations, the High Court Administration suggested the shifting of the court to a centrally located part of the city in Bandra Kurla Complex, Mumbai.<sup>72</sup>

The overall requirement for land space for a new high court was stated as fifty acres and the high court in its Order dated 15 October 2015, said that no justification was required from the high court to the state government as to why this amount of land was asked for. In the allotment of land, the high court also asked the BBA, AAWI and BILS to submit their requirements for lawyers’ chambers and other facilities for members of the bar.<sup>73</sup> The figure of fifty acres included the requests of all concerned respondents.

---

<sup>71</sup> *Ahmad M. Abdi v. The State of Maharashtra and Others*, Order dated 10 September 2014.

<sup>72</sup> *Ahmad M. Abdi v. The State of Maharashtra and Others*, Order dated 15 October 2015.

<sup>73</sup> *Ahmad M. Abdi v. The State of Maharashtra and Others*, Order dated 29 January 2016.

An important Order in the course of this case was the Order passed by the court on 9 August 2016. In this Order, the high court clarified that the design of the new high court building would be as per the directions of the High Court Administration and that the consultants appointed by the state government in this regard would have no say in this matter. For the first time, this Order listed the variety of objections it received in opposing the moving of the high court premises. Two of the main issues raised related to the inconvenience it would cause to judges and members of the bar due to the change in location in comparison to the present high court building. The second concern was related to the heritage status of the Bombay High Court building and the maintenance of the historical importance of the building. The issue of the heritage importance of the high court was raised by an intervening application<sup>74</sup> filed by the lawyer Rajan Jaykar.<sup>75</sup> Jaykar argued that the reputation of the high court does not only come from its renowned judges and lawyers but also from the grandeur of its building (Plumber 2016). Jaykar compared the moving out of the colonial high court building to the equivalent of discarding the traditional lawyers' dress of black gown and white bands (Plumber 2016). However, the judges on the division bench held that these issues, including that of the heritage status of the high court building, were 'completely irrelevant' and that even if the high court was shifted, the heritage status would be maintained and retained.<sup>76</sup> The judges placed the welfare of the litigants as the most important criteria to be considered. A former judge and chief justice of the Bombay High Court, Justice Sujata Manohar, while not intervening in the case at hand, expressed her views on the issue through an article in *The Hindu* (Manohar 2016). Justice Manohar (2016) wrote in astonishment, that during the course of the hearing, the heritage of the high court was taking a backseat. She was categorical in her view when she stated, 'It would not just [be] short-sighted but also foolish to throw away centuries of priceless traditions in search of square footage' (Manohar 2016).

While this matter is being debated, the idea of moving the high court to a new location which is at a significant distance from the present high court building, has been accepted as the solution to the present problem of inconvenience faced within the court.

---

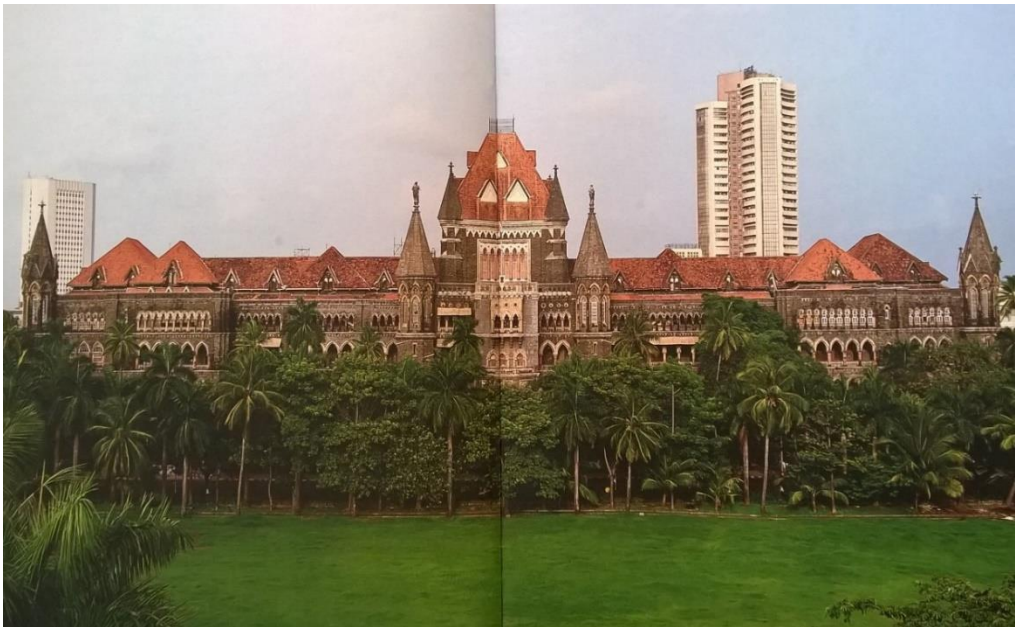
<sup>74</sup> In the Bombay High Court an intervention application (IA) is referred to as a Chamber Summons.

<sup>75</sup> *Ahmad M. Abdi v. The State of Maharashtra and Others*, Order dated 5 May 2016.

<sup>76</sup> *Ahmad M. Abdi v. The State of Maharashtra and Others*, Order dated 9 August 2016.

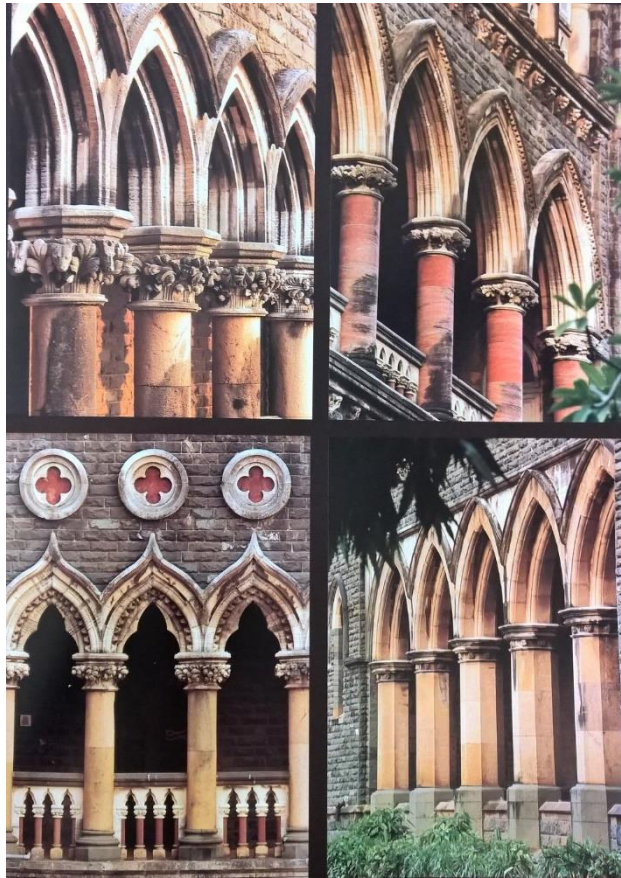


**Image 33:** The Bombay High Court, Circa 1879  
*Source: Mehrotra and Dwivedi (2004)*

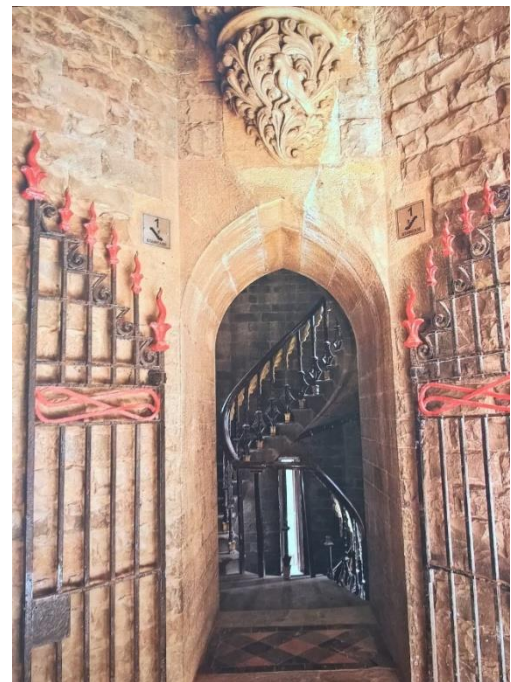
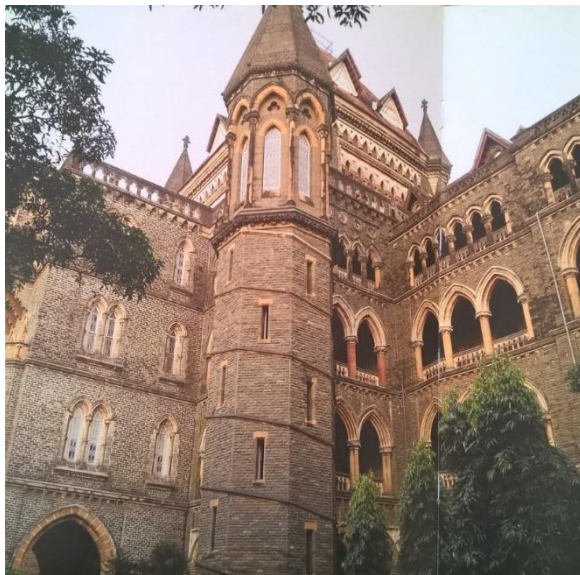


**Image 34:** The Neo-Gothic Styled Bombay High Court  
*Source: Chandrachud, Mohta and Dalvi (2012)*



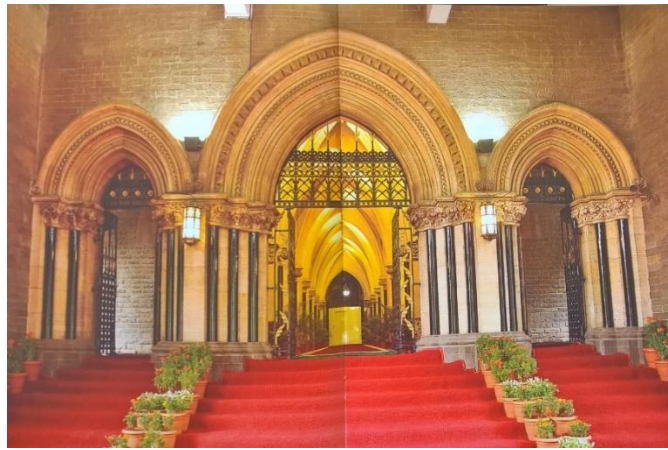


**Image 35:** Arches and Columns of the Bombay High Court  
*Source: Mehrotra and Dwivedi (2004)*



**Image 36:** Spiral Staircases: Exterior and Interior  
*Source: Chandrachud, Mohta and Dalvi (2012)*

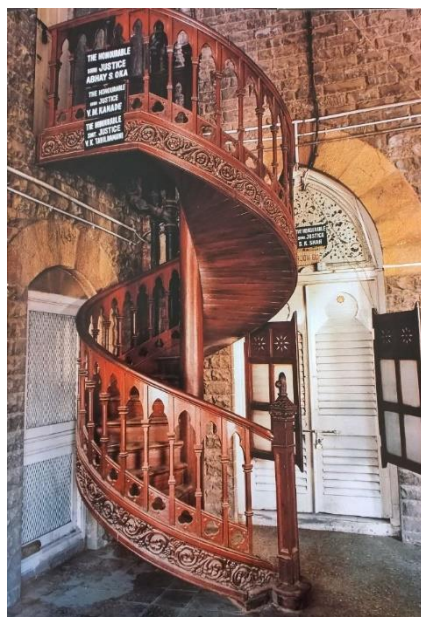




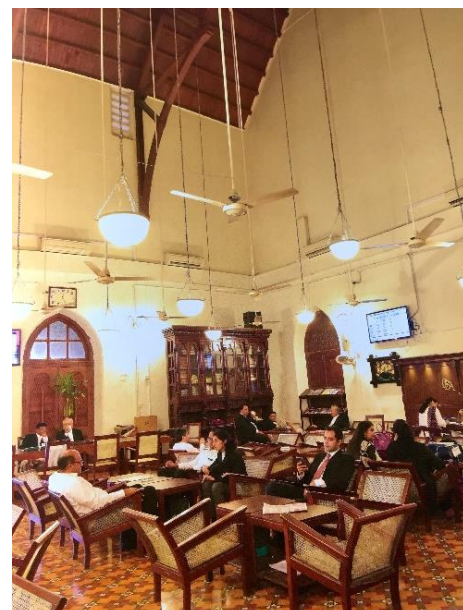
**Image 38:** Judges' Entrance, Bombay High Court  
*Source: Chandrachud, Mohta and Dalvi (2012)*



**Image 39:** A Courtroom, Bombay High Court  
*Source: Mehrotra and Dwivedi (2004)*

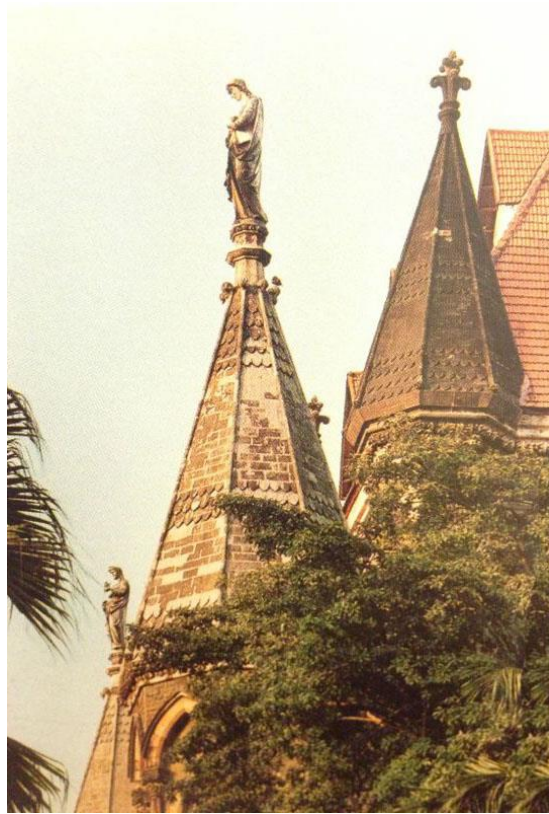


**Image 37:** Staircase leading to the "saade teen mala"  
*Source: Mehrotra and Dwivedi (2004)*



**Image 40:** The Bombay Bar Association Room  
*Source: Sathe, Thakker and Saraf (2016)*





**Image 41:** Statue of Mercy and Justice  
on top of the Bombay High Court  
*Source: Mehrotra and Dwivedi (2004)*



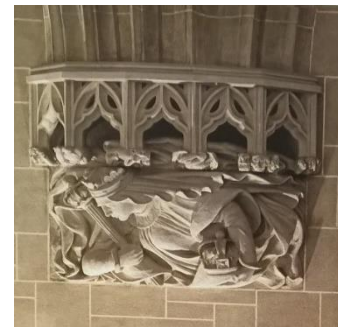
**Image 42:** Statue of Justice,  
Bombay High Court  
*Source: Samant-Gupte (2014)*



**Image 43:** Statue of Mercy, Bombay  
High Court  
*Source: Samant-Gupte (2014)*

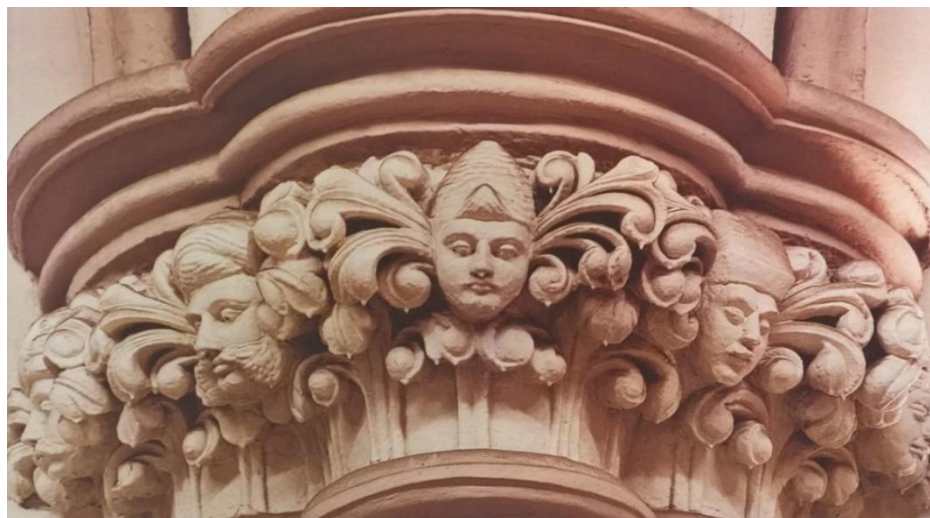
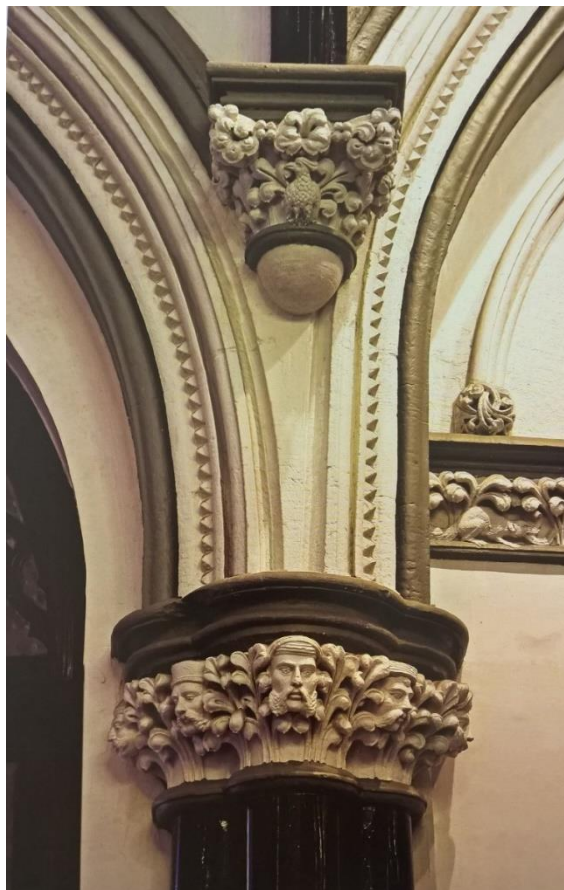


**Image 44:** Statue of Justice, Old Bailey Courthouse, London, UK  
*Source: Speel (2014)*



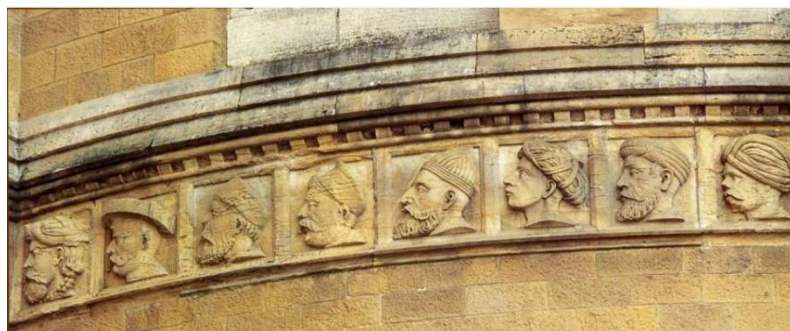
**Image 45:** Carvings and Etchings in the Supreme Court of the United Kingdom  
*Source: Cormack (2010)*





**Image 46:** Carvings on the Pillars of the Bombay High Court: Faces of Men with Different Headgear

*Source: Samant-Gupte (2014) and Chandrachud, Mohta and Dalvi (2012)*



**Image 47:** Carvings of Faces of Men in the Victoria Terminus Railway Station

*Source: Vance (2016)*



**Image 48:** Carvings on the Pillars of the Bombay High Court: Two Women in Saris  
*Source: Mehrotra and Dwivedi (2004)*



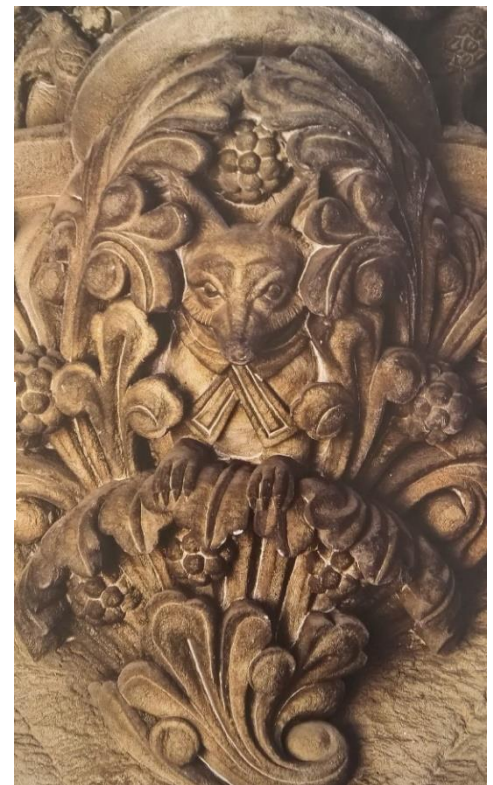
**Image 49:** Native Men of Bombay, Rajabhai Clock Tower, Mumbai  
*Source: Wander & Discover (2015)*





**Image 50: The “Monkey Judge”**

*Source: Chandrachud, Mohta and Dalvi (2012)*



**Image 51: The “Fox Lawyer”**

*Source: Samant-Gupte (2014)*



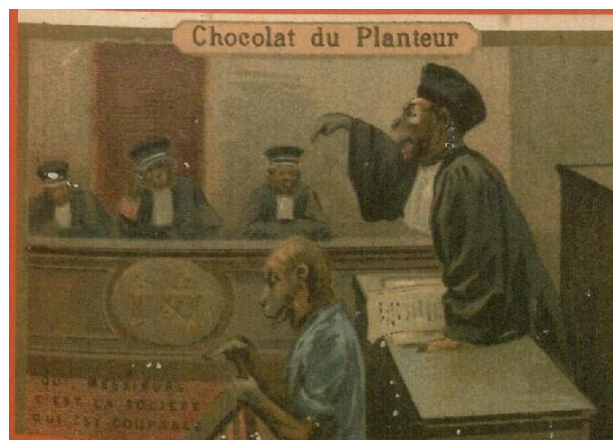
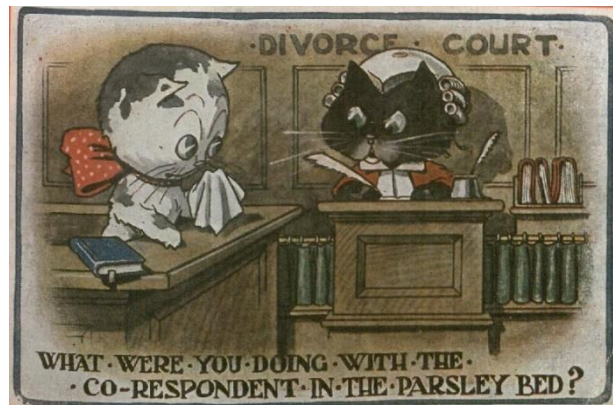
**Image 52: Aesop Fable of the Litigious Cats**

*Source: DaBoss (2016)*



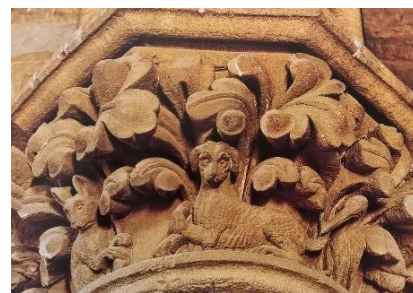
**Image 54: A Mug with the Image of the “Monkey Judge”**

*Source: LSM: Law Suits and More (n.d.)*



**Image 53:** Portrayal of Lawyers on Postcards and Paper Ephemera  
*Source: Hoeflich (2012)*





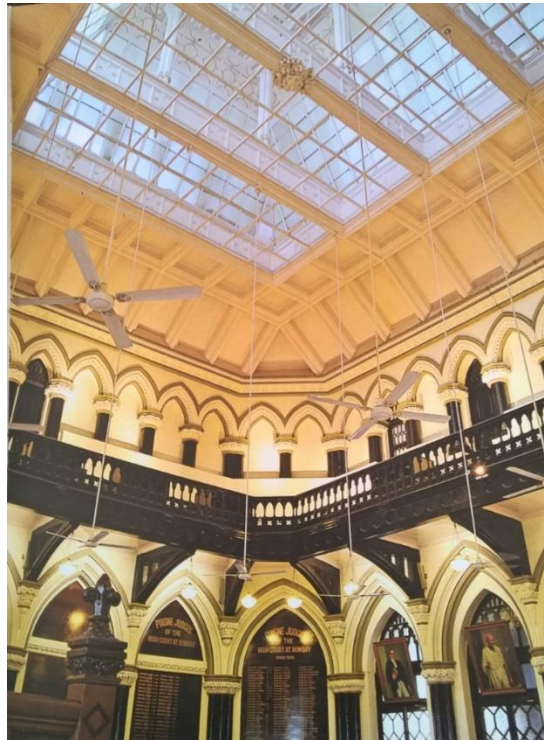
**Image 55:** Carvings on the Pillars of the Bombay High Court:  
Different Figures of Animals and Birds

*Source: Chandrachud, Mohta and Dalvi (2012), Samant-Gupte (2014) and Mehrotra and Dwivedi (2004)*

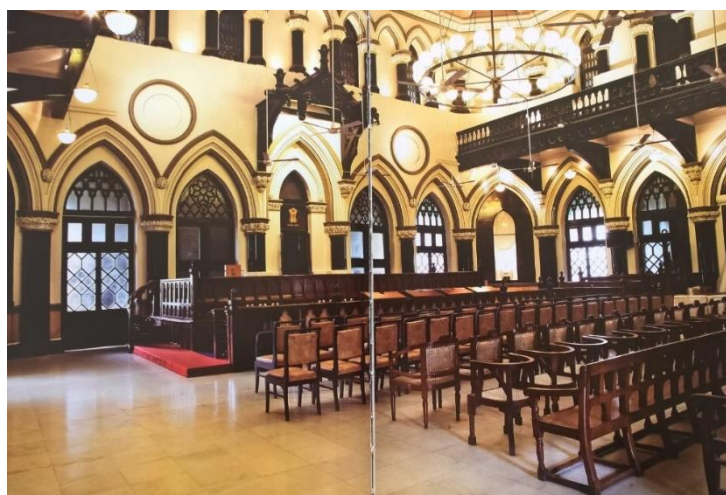
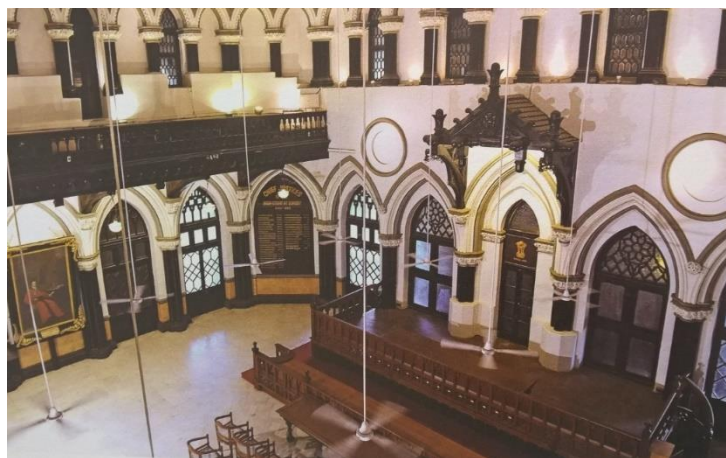


**Image 56:** Carvings on the Pillars of  
the Bombay High Court: Snakes

*Source: Mehrotra and Dwivedi (2004)*



**Image 57:** The Glass Ceiling of the Central Courtroom  
*Source: Chandrachud, Mohta and Dalvi (2012)*



**Image 58:** The Central Courtroom of the Bombay High Court  
*Source: Chandrachud, Mohta and Dalvi (2012) and Samant-Gupte (2014)*





**Image 59:** Jury Bench in the Central Courtroom

*Source: Rahela Khorakiwala*

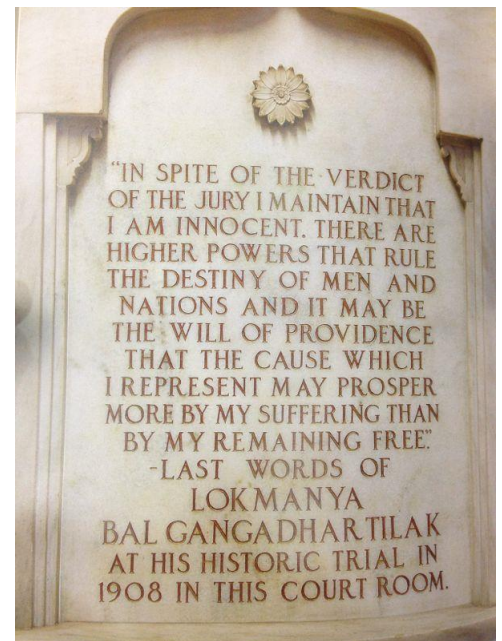


**Image 60:** Ceremony on the Death Anniversary of Tilak

*Source: Rahela Khorakiwala*

**Image 61:** Plaque with Tilak's Words

*Source: Mehrotra and Dwivedi (2004)*

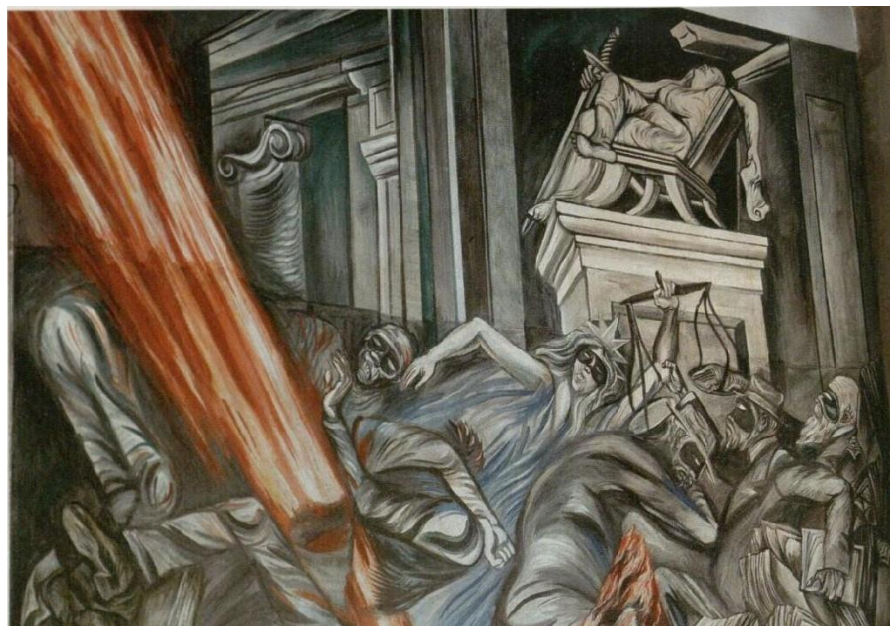


**Image 62:** Scene from the Re-enactment of the Tilak Trial

*Source: Rahela Khorakiwala*



**Image 63:** The Palace of Justice, Bogota, Colombia  
*Source: Rahela Khorakiwala*



**Image 64:** Orozco's Mural, Supreme Court of Justice, Mexico: Justice with Vices  
*Source: Resnik and Curtis (2011)*





**Image 65:** Cauduro's Mural, Supreme Court of Justice, Mexico: Rape, Corrupt Processes and Skulls (Above) and Torture and Homicide (Below)  
*Source: Resnik and Curtis (2011)*

Interestingly, the debate about a solution for the inconvenience faced by litigants has been between authorities associated with the court from within – therefore, the perspective continues to remain as that of the system from within for the persons from outside. The PIL which was first heard in 2014 has been progressing because the court decided to respond to the issues addressed therein. This authority that the court maintains, by deciding the inconvenience of litigants, general public, lay persons and non-experts without accounting for their viewpoint is evident in the list of respondents that are part of the PIL – all being experts in the form of internal court or government authorities.

Further, the conversation within the PIL also turned towards the “heritage” of the Bombay High Court. The Chamber Summons filed by Jaykar talks of the 150 year old heritage of the high court while the judges countered his claim by stating that looking at the issue through the lens of heritage spoke of a limited perspective in understanding the problems at hand (Plumber 2016). In her article, Justice Manohar (2016) stressed on the need to creatively combine heritage and modern day requirements of the high court. For Justice Manohar, the only conclusion is to point out that several years back, ‘the then-Chief Justice constituted a heritage committee to preserve and plan for the future of this building; it is time to revive this committee’ (Manohar 2016).

This idea of looking at law as heritage is specific in the context of the PIL filed to shift the location of the 1862 mandated high court. The argument for considering the Bombay High Court as a heritage structure is different from other monuments that are deemed as ancient and protected monuments in terms of the Archaeological Survey of India (ASI) and based on *The Ancient Monuments and Archaeological Sites and Remains Act, 1958*.<sup>77</sup> The Bombay High Court building, being over 139 years old, could be considered an ‘ancient monument’ as per the definition set-out in section 2 (a)<sup>78</sup> of

---

<sup>77</sup> Act No. 24 of 1958.

<sup>78</sup> Section 2 (a): “Ancient Monument” means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith which is of historical, archaeological or artistic interest and which has been in existence for not less than 100 years and includes

-

- (i) remains of an ancient monument,
- (ii) site of an ancient monument,
- (iii) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, and
- (iv) the means of access to, and convenient inspection of, an ancient monument

the Act, as it largely requires a structure to be ‘not less than one hundred years’. However, the high court stands apart from most ancient and protected monuments as it is still in active use by persons on a daily basis. In its current form, the Bombay High Court is a living and thinking body and therefore it does not need to be conserved in the same way. While there is a need to monumentalise the importance of the high court building, it is also possible that it is further monumentalised as a museum or an inactive building. Therefore, the way these decisions are made, based on heritage and the need for conservation, also question whether the issue is only about heritage or also about maintaining a certain space based on the internal ideas and memories associated with it. Importantly, newness also forms part of tradition; and when a certain newness is introduced, it therefore also becomes a tradition. When Justice Manohar (2016) argues that modern day needs can be accommodated within the same high court without destroying its heritage, it indicates the possibility of tradition being secured through newness.

A case at point here is the recent allocation of land for the lawyers’ chambers near the Supreme Court of India. In this situation, the Supreme Court of India needed more space for developing an annex building for the court for the purposes of creating lawyers’ chambers, a library, conference halls, facilities for litigants and parking space (Hindustan Times 2010). The land allotted for the same was the location of the popular amusement park of Delhi – Appu Ghar. Appu Ghar had been at this location since 1984 and had formed a landmark in the memory of the citizens of Delhi (United News of India 2008). The space now hosts the new lawyers’ chambers complex. Therefore, when compared to the situation of the consideration of the “litigants” convenience in the Bombay High Court and in the Supreme Court of India, it is actually an outcome of the convenience of the court at first instance. The same litigants that form a part of the citizens of the city were not consulted in whether a “convenience” based expansion of the Supreme Court complex was agreeable in exchange for the closing down of an iconic landmark in their city. Therefore, the courts as institutions do not look towards the litigants and/or citizens in all instances,<sup>79</sup> indicating that the decision by the Bombay

---

<sup>79</sup> See also the cases of protests by lawyers of the Pune District and Sessions Court, Maharashtra against the Pune metro rail using what they claimed to be their land for expansion of the court (Chavan 2016); and protests by lawyers in six district courts of Delhi against the re-allocation of family courts outside of the Karkardooma court complex, Delhi (Times New Network 2014). These examples further elucidate

High Court in the PIL is also not primarily based on the inconvenience caused to litigants. The notion of public interest then may vary according to jurisdiction and history.

While the orders regarding the PIL are ongoing, the issues it has raised resonate through the historicity of the Bombay High Court at several levels. From the colonial character of the court to the heritage symbol it stands for, the proliferated identities of the court were questioned through the course of this debate. With the decision to move the court being currently sealed, it remains to be seen if the legitimacy that the court derives from its nineteenth century architectural presence continues through the grandeur of a twenty-first century construction.

#### **SECTION 4: JUDICIAL ICONOGRAPHY OF THE BOMBAY HIGH COURT**

The Bombay High Court is a court that is saturated with judicial iconography that symbolises the visual representation of justice. On a regular walk around the court, one cannot but notice the architectural marvel of the Bombay High Court. The Bombay High Court is also a site for memorialising national and local histories that reflect in the principles that the court stands for. The visitor to the Bombay High Court is introduced to the histories of colonial injustice by an invitation to visit the central courtroom, courtroom number 46, and the effect of such a visit is as if one is hearing the valiant arguments made in the defence of Lokmanya Tilak who was convicted on the grounds of sedition in 1897 and 1908 (detailed later in this chapter). Then attention turns to the jury box, yet another relic of colonial law, used only by the Parsi family court today for matters of divorce. While the Calcutta High Court does have the jury benches placed in courtroom number 11, they are not used for the purposes of a jury but instead as regular benches where any one may sit. The Madras High Court does not have remnants of the jury trial in its erstwhile criminal court, courtroom number 4. Therefore, between these three high courts, the Bombay High Court is the only court that actively uses the artefacts of the jury system in the court.

---

how judicial institutions, through judges and lawyers, manage to allocate a space for themselves based on their own concerns primarily.

As one walks into the court, the gaze of the visitor then is directed to the statue of mercy and the statue of justice that are placed right at the top of the court building (see Image 41). The placement of these two statues narrates how law monumentalises itself to impose its legitimacy. Therefore, while the court places a statue of justice and mercy within the framework of its image, it also conserves its own sacrality by placing these virtues out of immediate reach. A parallel analysis can be drawn to Haldar's (1994) understanding of the placement of judicial books at the base of the Supreme Court of Israel (see Chapter 2). In both instances, access to justice appears as out of reach – in one way by placing it right at the top and in another way by placing it right at the bottom. In their book, Mehrotra and Dwivedi (2004) narrate the idea that these statues, at their elevated position, make the allegory of justice and mercy look insignificant. The motifs of justice and mercy, placed so out of reach and far away, then appear to be out of reach for the persons entering the court premises on a daily basis. The judicial iconography of this visual imagery correlates to the existing symbolic matter which when read in context reveals the legal iconology of the position and placement of the statues. Therefore, while the presence of the statues purport to provide representational meaning of the conveyance of justice and mercy that the court of law promises, their positioning at a distance marks a demarcation made by the law through creation of both 'blindness and insight' (Douzinas 2000:825, also see Haldar 1994).

The statue of justice atop the Bombay High Court is not blindfolded<sup>80</sup> and holds scales in one hand and a sword in the other hand (see Image 42). It is also unclear if the statue is male or female. When Jay (2003) traces the images of the statue of justice, he places the open-eyed figure of justice before the fifteenth century. Interestingly, the statue of justice of the Bombay High Court is open-eyed even though the court was completed in 1878. Further, the statue does not stand alone – it is accompanied on another conical top with the statue of mercy (see Image 43). The statue of justice depicted here is the western interpretation and conception of justice as was carried forward through the colonial influence over the court. The Bombay High Court is a colonial structure and was built using the neo-gothic architectural style, as detailed earlier in this chapter. The

---

<sup>80</sup> The book by Mehrotra and Dwivedi (2004) that documents the story of the Bombay High Court building states on Pg. 47 that the statue of justice on top of the Bombay High Court is blindfolded. However, the corresponding image on Pg. 49 is open-eyed. During my interviews, I spoke to the editor of the book and he acknowledged that this was an error in the book and confirmed that the statue of justice in the Bombay High Court is open-eyed.

building is a remnant of the British rule along with the imperial imposition of laws, rules and procedures, one aspect of which is brought out through the statue of justice on top of the court building.

Even after the blindfold became the master signifier of impartial justice from the fifteenth century onwards (Jay 2003, Resnik and Curtis 2011), one finds an open-eyed statue of justice atop the 1878 constructed Bombay High Court and on the 1907 Old Bailey courthouse<sup>81</sup> located in London (Emsley, Hitchcock and Shoemaker 2017). The statue of lady justice placed atop the high dome<sup>82</sup> of the Old Bailey courthouse is a twelve foot tall gold leaf bronze statue holding a sword in one hand and the scales of justice in the other<sup>83</sup> (see Image 44) (Emsley, Hitchcock and Shoemaker 2017). In a certain form, the placement of open-eyed statues of justice speak of how the colony enjoined its visual semantics with the metropolis by erecting and monumentalising English law as the “gift” of civilisation (see Cohn 1996, Kolsky 2010, Singha 2000) to the colonised other. One can surmise then that imperial rule, in the instance of the Bombay High Court, abandoned the blindfold to look at the future of law and its empire clear sightedly. Further, it can be inferred that the blindfold was not the dominant signifier of the colonial rule of law during this period. In addition, the placement of the statue of justice adjacent to the statue of mercy on top of the Bombay High Court signifies the benevolent despotism of colonial rule.

Gregory Colomb (1992) notes that the visitor’s brochure of the Old Bailey courthouse highlights this visual of the statue of justice without a blindfold. This, the brochure claims, was, ‘in defiance of convention, because Justice was originally not blindfolded and because her “maidenly form” is supposed to guarantee her impartiality, thus rendering the blindfold redundant’ (Colomb 1992:50). When one looks at the statue of justice in the Supreme Court of India (see Image 22 and Chapter 2), the absence of the blindfold is pertinent to understand the post-colonial adaptation of this image.

---

<sup>81</sup> Old Bailey refers to the central criminal court of justice of England and Wales located in London, United Kingdom.

<sup>82</sup> The dome is at a height of sixty-seven feet.

<sup>83</sup> This statue of lady justice was sculpted by the British sculptor Frederick William Pomeroy.



Several judgments rendered by the courts in India evoke the presence of the blindfold. To give an example of a few judgments, where judicial rhetoric has mobilised the metaphor of the blindfold, in a 2011 case, the Supreme Court of India states that, ‘justice is only blind or blindfolded to the extent necessary to hold its scales evenly; it is not, and must never be allowed, to become blind to the reality of the situation’;<sup>84</sup> and in another case it interprets the statue, ‘Not like Themis, blindfolded, but like Astraea, the Roman Goddess of justice holding a Scale (Balance) without folds on the eyes and occupying the place as “Libra” in the Zodiacal constellation’.<sup>85</sup> In both situations, the blindfold is referred to as an attribute that has to be overcome to achieve a particular ideal of justice. In a case from the Madras High Court, the judges refer to an unplanned action which proved to be a ‘blessing in disguise’, and therefore describe this occurrence as a case where, ‘justice has been done even blindfolded by the Appellate Authority’.<sup>86</sup> In this instance justice is deemed to be administered despite the blindfold placed over the eyes of the statue of justice. In a parallel drawn by the Supreme Court of India, a judgment writes that, ‘Though justice is depicted to be blindfolded, as popularly said, it is only a veil not to see who the party before it is while pronouncing judgment’, and the veil should not, ‘turn the mind/attention of the court away from the truth of the cause or lis before it’.<sup>87</sup> This statement from the judgment of the Supreme Court of India has been cited several times by various high courts across the country.<sup>88</sup> The blindfold over the eyes of the statue of justice has thus formed a part of the judgments by the courts in India.

An important symbol of justice that is unique to the Bombay High Court is seen through the carvings on its pillars. This is specific to the Bombay High Court in the Indian context. The Supreme Court of the United Kingdom has similar carvings and etchings across its stone walls and wooden barricades (see Image 45) (Cormack 2010). The carvings of both courts tell similar stories. Of importance to this debate are the carvings atop some pillars in the Bombay High Court that are faces of men (see Image 46). These

---

<sup>84</sup> *Krishnadevi Malchand Kamathia and Others v. Bombay Environmental Action Group and Others*, AIR 2011 SC 1140.

<sup>85</sup> *Kush Sahgal and Others v. M.C. Mitter and Others*, AIR 2000 SC 1390.

<sup>86</sup> *C.P. Gopinath v. Mrs. Leela Govindan and Another*, Madras High Court, C.R.P. No. 2195 of 1981, decided on 26 February 1982.

<sup>87</sup> *Zahira Habibulla H. Sheikh and Another v. State of Gujarat and Others*, AIR 2004 SC 346.

<sup>88</sup> This statement has been cited in the High Court of Himachal Pradesh, 2012 (1) Crimes 345; the High Court of Delhi, 205 (2013) DLT 410; the High Court of Jammu and Kashmir, 2008 (1) JKJ 161; and the High Court of Madras, 2016 (3) MLJ (CrI) 641, to list a few.

faces are important because each person is wearing a different headgear. The different headgear is an identifying symbol of the different communities that inhabit Bombay city. An iconographic understanding of these head carvings within the court premises brings out the motif adorning the pillars which is a message to the city that the court is open to persons from all communities, irrespective of caste, colour or creed.<sup>89</sup> This idea existed in similar neo-gothic structures that were built near the Bombay High Court and around the same time period. Profiles of men adorning various panels are seen in the Victoria Terminus railway station,<sup>90</sup> also built in the neo-gothic architectural style and completed in 1887. As Nicole Vance notes, students of the Bombay School of Art were commissioned to, ‘sculpt architectural details and reliefs for the railway terminus’ and as per the directions, ‘the ornament was to reflect local flowers, plants, animals, and citizens of Bombay’ (2016:18). The architectural reliefs on the Victoria Terminus depict different groups of Indian citizens, ranging from Christians, Hindus, Jains, Muslims to Parsis and they are identified by their varying headgears and facial hairstyle, as depicted in the carvings (see Image 47) (Vance 2016). These attributes identified the social group these men belonged to, as was the case of the men with headgear in the Bombay High Court. Vance also argues that the placement of these relief panels gave, ‘a voice to the many communities who inhabited the city’ as, ‘The Indian public who frequently utilized the Grand Peninsular Railway would view these relief panels as a positive representation of their own communities, not the elite society of the British Raj’ (2016:21).

The court, and the similar buildings surrounding it, however remain a predominantly male space.<sup>91</sup> Though, there are two unexplained carvings of women in saris that are also seen in the Bombay High Court (see Image 48). Since there is no trace of the origin of these carvings, Mehrotra and Dwivedi (2004) opine that they are probably images of women related to the artists.

---

<sup>89</sup> This is similar to the Constitutional Court of South Africa that has inscribed a text in the eleven official languages of the republic at its entrance as an indication that it welcomes all people into the court without any distinction (see Image 8 and Chapter 2).

<sup>90</sup> The Victoria Terminus railway station has been renamed as the Chhatrapati Shivaji Terminus railway station since 1996.

<sup>91</sup> See Vance (2016) where the author observes different relief panels across the neo-gothic structures constructed in the same time period. Vance (2016) notes that the relief panels have portraits of different profiles all depicted through male faces with the exclusion of women from these panels.

Vance (2016) details the origin, establishment and functioning of the Bombay School of Art. Students from this school of art were often taught to, ‘both continue in the tradition of Indian decorative art and at the same time be trained in a European academic style’ (Vance 2016:30). Therefore, the different reliefs, panels and details were often directed to relate to the local and the people of the city of Bombay (Vance 2016). This form of architectural depiction was not limited to the Bombay High Court but was also seen in the Victoria Terminus (as mentioned above), the Gokuldas Tejpal Hospital (Manohar 2016) and the University of Bombay buildings. The Gokuldas Tejpal Hospital, formerly known as the Bombay General Hospital, an 1875 construction, also has carvings representing the different communities of Bombay (Vance 2016). Additionally, the University of Mumbai building, with its clock tower called as the Rajabhai Clock Tower, completed in 1862, displays full figures of native men of Bombay, along with various carvings of Indian animals (see Image 49) (Vance 2016).

Following the architectural narrative of the construction in and around the Bombay High Court in the late 1800s, there is a developed pattern of the contribution of the Bombay School of Art to the relief and carving work within these buildings. Two carvings that are seen in this context within the Bombay High Court are that of the “monkey judge” and the “fox lawyer”. The “monkey” in this carving is seen holding the scales of justice in one hand and a sword in the other hand (see Image 50). There is a blindfold across the face, however it does not cover both eyes. It covers only one eye. Accompanying the monkey carving is a carving of a “fox lawyer” (see Image 51). The fox is seen wearing a band which could be interpreted as being that of a practicing lawyer. The origin of these images is not confirmed. The main folklore attached to these images is that the person who built the court was not compensated for his work adequately (Mehrotra and Dwivedi 2004, Vachha 2011). Piqued, he carved images of what he perceived the system of justice to be. For him, judges were like clever pirate-monkeys, with an eye-patch and a sword and lawyers were cunning foxes who manipulated the system of law in the court (Mehrotra and Dwivedi 2004). The monkey with an eye-patch holding scales and a sword can be interpreted in several ways. Vachha (2011) relates the “monkey judge” to the Aesop fable of the litigious cats. In the fable, the cats are at dispute for which they approach a monkey to be the arbitrator of their issue. The judge in the fable is depicted in the form of a monkey (see Image

52).<sup>92</sup> Several authors opine that some of the Aesop fables were inspired from the Panchatantra tales and the Jataka tales, linking them back to Indian stories and narratives (see Saletore 1970, Walawalkar 1970). This idea can also be linked back to the amalgamation of Indian design and European styles that formed part of the Bombay School of Art at that time (Vance 2016).

The depiction of the monkey as a judge and the fox as a lawyer also signifies a form of satire. In a photo feature remembering the work of the lawyer-photographer Burjor Taraporewala, Dwivedi titled the piece as ‘Bombay High Court: Satire in Stone’ (1998:26). The article is a photo tribute to Taraporewala, where Dwivedi (1998) mentions the presence of a variety of animals and birds that are found carved into the stone structure of the Bombay High Court building. Dwivedi (1998) opines that these carvings could have possibly been made by one Rao Bahadur Mukund Ramchandra, who was the assistant engineer in charge of the high court building. Further, Dwivedi (1998) also draws the link and asks the question if Ramchandra was indeed illustrating the Panchatantra, Jataka or Aesop fables in this building. While these facts cannot be corroborated, Dwivedi states that the idea, ‘That the sculpture is meant to give light relief to sombre business in an imperial court cannot be doubted’ (1998:27). While legal humour has been a part of the court culture (see Galanter 2005, Hoeflich 2012), Dwivedi writes, ‘Lamponing the legal community has been a historical tradition but knocking it down a peg or two on its own home turf elevates derision to saucy heights’ (1998:27). In his collection of postcards, Michael Hoeflich recognises, that while not the largest category, legal themes were commonly used on postcards, ‘But the widespread production of legal-themed postcards also illustrates the extent to which law and lawyers were a dominant part of popular culture’ (2012:vii). Hoeflich (2012) notes that most of the expressions on these postcards were of anti-lawyer sentiments which was a sentiment that dated back centuries, and was also found in literature as has been noted by Marc Galanter (2005). Thus, legal humour as a practice did exist which can be attributed to these carvings in stone that are seen in the Bombay High Court. Significantly, Hoeflich also writes that, ‘The portrayal of lawyers as various types of animals was another common theme of postcards and other paper ephemera,’ of which,

---

<sup>92</sup> See DaBoss 2016 that has an image of this Aesop fable depicting a monkey as a judge, available at <http://fablesdfaesop.com/litigious-cats.html>.

[C]ats, dogs, and monkeys were the most common' (see Image 53) (2012:viii). Therefore, the depiction of the "monkey judge" and "fox lawyer" as satirical forms move and transform from etchings in illustrated books or cartoons to the walls of courts to imbue semantic futures to judicial images. Different people associated with the court have reinterpreted these images of the law as part of the history of the visual culture of the court that then moves into representations on postcards, posters, mugs and book covers (see Image 54).<sup>93</sup> The idea of satire and humour is therefore not alien to the court and these images of justice could also be a representation of wit as displayed by the artists creating these visualisations. A similar idea of humour and satire in stone is seen in the Gokuldas Tejpal Hospital where caricatures of doctors are seen on the pillars of the building (Manohar 2016). Therefore, it can be surmised that this form of carving was part of the school of art renditions at that time (Vance 2016). The Gokuldas Tejpal Hospital was also designed by Fuller and was completed four years prior to the Bombay High Court, in 1874 (Xenophon 1888).

Along with the animated use of the monkey and the fox, the pillars of the court have carvings of different figures of animals, in the form of crocodiles, boars, different breeds of dogs, snakes, lions, and birds in the form of cranes, owls and eagles, amongst others, all amidst different flora, fauna and foliage (see Image 55). Dwivedi and Mehrotra notice the carvings of snakes in grass in different corners of the court (see Image 56). They interpret this as snakes, 'maliciously smiling at the humans enacting their various roles in the court' (Mehrotra and Dwivedi 2004:59). The presence of these carvings relates to the work by the Bombay School of Art as mentioned above. The depiction of animals, birds, flowers and foliage were part of the different carvings seen across the neo-gothic buildings constructed in Bombay city in the late 1800s (Vance 2016).

The numerous symbols and stories that the Bombay High Court narrates lead to a vivid debate on the scope and sphere of judicial iconography in the Indian legal context. During the course of my observations, the readings on how to observe court structures assisted me in looking at the court space differently. The court therefore tells different

---

<sup>93</sup> The company Law Suits and More sells different memorabilia with images of the "monkey judge" and other depictions of legal wit and satire. See their collection at <https://lawsuitsandmore.com/>.

stories of its legitimacy and is a theatre that showcases a variety of representations of justice that are otherwise hidden behind the everyday routine functioning of the court and its documented rules and regulations.

The neo-gothic structure of the Bombay High Court narrates several instances of legal iconology and semiotics. It ties various allegories of law and justice together into its structure and daily practices and procedures. The visual imagery on display through the architectural design and symbolism elucidates the relevance of the ocular in understanding the didactic nature of the law. While the entire court building, along with its carvings, portraits and design provide an unparalleled visual subject matter, the presence of the central courtroom in the Bombay High Court portrays its very own relationship with the historical application of particular visual narratives. It is therefore relevant to look at the central courtroom of the Bombay High Court and its specific relationship with the court and its visual culture.

#### **4.1 THE CENTRAL COURTROOM**

The centre tower of the Bombay High Court is its tallest and has a glass surface allowing sunlight to flow into the court (see Image 57). The courtroom right below this is the central courtroom, courtroom number 46, which is the largest and most magnificent courtroom in the Bombay High Court (see Image 58). The central courtroom stands as a symbol of iconography within the high court and creates a visual imagery that has a representational meaning for various allegories that this courtroom brings to the fore.

The central courtroom was originally built as a criminal courtroom to serve the criminal jurisdiction that was held by the high court (Mehrotra and Dwivedi 2004). The courtroom today has the words “Criminal Court” engraved on a brass plate above the entrance of one door of the courtroom. This is the same courtroom where the trial of Lokmanya Tilak was held by the British in 1897 and 1908 holding him guilty of sedition.<sup>94</sup> Being the central courtroom, it is placed in the centre of the high court. It is forty feet high and has a heavy teak gallery that runs across its upper half (see Image 57) (Mehrotra and Dwivedi 2004). The ceiling has a glass panel that allows sunlight to

---

<sup>94</sup> Details of the trial and its relationship with the Bombay High Court are discussed later in this chapter.

enter the courtroom. This court also has a large viewing gallery, the entry for which is from the third floor. However, the viewing gallery is most often inaccessible and closed to the public.

At present, the courtroom has five huge portraits of Indian and British stalwarts. The picture to the right of the courtroom is of Sir John Peter Grant.<sup>95</sup> The full length painting of Grant in a seated position is the largest picture in the Bombay High Court. One Judge informed me that there was a time when people opposed the placing of Grant's portrait in the high court and asked for it to be removed as he was British and Indians should be venerated instead.<sup>96</sup> A similar objection to the placement of statues in the Madras High Court is narrated in Chapter 4. In the case of the Madras High Court, statues were opposed, even though they were of Indians, because the concept of installing statues was western and one that the native people did not want to identify with. In the case of the Bombay High Court, because Grant had been one of the judges who had opposed the British often and acted more in favour of the locals, he was considered to be more Indian than British (Vachha 2011). When this was explained to the people who had questioned the placement of his portrait in the courtroom, they withdrew their objections.<sup>97</sup> The four portraits on the wall opposite the judge's bench are of Lokmanya Tilak, Justice Charles Sargent,<sup>98</sup> Dr. Babasaheb Ambedkar and Mahatma Gandhi. In addition, there is the bust of Sir Norman Cranstoun Macleod<sup>99</sup> that is placed behind the judge's bench to the left. Along with this, there are long rectangular wooden plaques that list the names of all the chief justices of the Bombay High Court and the judges of the Bombay High Court, both past and present (see Image 57).

Another unique feature of the central courtroom is that it has provisions for a jury trial (see Image 59). The Indian judicial system used the jury trial for criminal cases till the year 1973 after which the *Criminal Procedure Code*<sup>100</sup> was amended and the provisions

---

<sup>95</sup> Sir John Peter Grant was a British colonial administrator and Lieutenant-Governor of Bengal.

<sup>96</sup> The objection to the placement of certain statues and/or portraits in courts is seen across the world where there is a conflict between the image of law as depicted and the image of law that is attempted to be projected (see Goodrich 2012, Mulcahy 2011, Resnik and Curtis 2011).

<sup>97</sup> Objections of a different nature are seen against portraits of both British and non-European persons in the Bombay High Court as has been discussed earlier in this chapter in the case of Justice Davar, Sir Macleod and Justice Mulla.

<sup>98</sup> Sir Charles Sargent was Chief Justice of the Bombay High Court from 1882 till 1895.

<sup>99</sup> Sir Norman Cranstoun Macleod was Chief Justice of the Bombay High Court from 1919 till 1926.

<sup>100</sup> Act No. 2 of 1974.

for trial by jury were removed.<sup>101</sup> However, the central courtroom of the Bombay High Court has conserved the place where the jury sits. Such conservation is not only historic, but it was to cater to the needs of the varied communities that inhabit the city of Bombay. The Parsi community, which is largely based in Bombay, has a provision for jury trial in divorce matters as per *The Parsi Marriage and Divorce Act, 1865*<sup>102</sup> which set-up Parsi matrimonial courts. From the time of its inception, the flagship court of the Parsi Chief Matrimonial Court (PCMC) was in Bombay (Sharafi 2014). Since the Bombay High Court has jurisdiction over these matters, continuing into the post-colonial period, the provision of a jury trial has been kept alive in the central courtroom.<sup>103</sup> During the colonial period, jury trials existed for criminal trials only; the one exception to this was the case of the Parsi matrimonial court that had a jury trial for civil cases of divorce. The central courtroom thus shares a special historical linkage with the development and history of the Parsi community in India.<sup>104</sup>

The significance of the central courtroom is evident through the different judges, lawyers, court personnel and journalists that I interviewed who have a mixed view of the use that the central courtroom should be put to. Some believe that this courtroom must be used on a daily basis as its grandeur compliments the overall awe of the Bombay High Court building. Some interviewees were of the opinion that the court should only be used when there are important matters of public interest or PILs being argued in court as it is the largest courtroom so it can accommodate the maximum number of people thereby reaching out to a larger section of society. Other persons were of the view that the court should be used as a symbolic representation of justice and therefore only be utilised for important events. Being a historic courtroom, courtroom

---

<sup>101</sup> It is largely believed that jury trial was abolished in the case of *K.M. Nanavati v. The State of Maharashtra*, 1962 AIR 605. While the Supreme Court of India passed judgment recommending abolishing of the jury trial in this case in 1962, the revised *Criminal Procedure Code* was only enacted in 1973. Therefore, there was a gap of eleven years during which trial by jury continued in different parts of India, in different forms. Jury trial and its practice at that time was inconsistent across India (see Jaffe 2016). Further, there was an ongoing discussion on whether the jury system was working in the Indian context leading to the Fourteenth Report of the Law Commission on Reform of Judicial Administration, 1958, chaired by the first attorney general of India Mr. M.C. Setalvad, which also recommended the abolition of trial by jury (see Jaffe 2014 and Jaffe 2016). Therefore, jury trial for criminal cases came to an end in India with the enactment of the *Criminal Procedure Code, 1973*.

<sup>102</sup> Act No. XV of 1865.

<sup>103</sup> In July 2014, when the Parsi divorce court sat for its proceedings in the central courtroom, I was granted permission to observe the same.

<sup>104</sup> For a detailed account on the Parsi Chief Matrimonial Court see Chapter 5 on “The Jury and Intragroup Control: The Parsi Chief Matrimonial Court” in Sharafi (2014).



number 46 has always been the representation of the Bombay High Court to the outside world. Therefore, events of importance are often conducted in this courtroom. It is legal folklore that after the trial of Lokmanya Tilak, no Indian judge has used this courtroom as the Chief Justice's courtroom.<sup>105</sup>

The Bombay High Court Exhibition had wisely selected the central courtroom as its venue as it was a reflection of all the information that it wished to convey to the visitors of the exhibition. A former Chief Justice of the Bombay High Court, Hon'ble Mr. Justice Swatanter Kumar, often used the central courtroom when he heard PILs. A court staff mentioned to me that in 2007, Justice Kumar got the central courtroom repainted and restored and hoped to use it as the "Chief's Court". However, this plan was opposed by different judges and therefore the Chief Justice was able to use the central courtroom only to hear PILs once or twice a week.<sup>106</sup>

One of the important events that the central courtroom is put to use for is on the occasion of the death anniversary of several national icons, including but not restricted to Gandhi and Tilak. During my fieldwork I observed the ceremony conducted on the death anniversary of Tilak on 1 August 2013. As mentioned above, there is a portrait of Tilak on one of the walls of the central courtroom. This portrait is brought down and placed on a table on this day (see Image 60). Every year on his death anniversary this portrait is garlanded by the Chief Justice of the Bombay High Court along with other judges, advocates and court staff present. The ceremony that I attended began with the Chief Justice removing his shoes and then walking towards the portrait. The Chief Justice garlanded the portrait, folded his hands in front of the picture and then touched the base of the picture (in a possible action of touching the feet of the respected person). After this, in order of seniority, the other judges followed the same routine of folding hands and touching the base of the portrait. The entire ceremony thus conducted was a visual display of a certain form of memorialisation of law (discussed later in this chapter). Amongst other nationalist leaders, Tilak's death anniversary is remembered in

---

<sup>105</sup> This point has been disputed by some staff of the high court wherein they state that courtroom number 52 has always been used as the Chief Justice's court because it has the biggest judge's chamber attached to it.

<sup>106</sup> This is as narrated by the court staff. It is possible that some judges of the high court opposed this proposal as the use of the central courtroom has been a contentious issue. This was evident from my conversations with different judges in the high court, where they chose not to answer questions related to the use of the central courtroom, terming it as a controversial issue.

particular due to his association with the Bombay High Court and in specific because of his relationship to the central courtroom. The ceremony that was performed played the role of a constant reminder of the memorialisation of a politically driven event that has a particular historical memorialisation attached to it.<sup>107</sup>

As the issue of the use of the central courtroom is contested, one of the Judges I interviewed was taken aback by my question on whether the central courtroom should be used on a daily basis or not be used at all. The Judge chose not to answer this question as according to the Judge it was a controversial question. Another Judge that I interviewed reacted similarly, but indicated that there had been a debate amongst judges as to the usage of the central courtroom and the opinion had been divided. In February 2016, a new chief justice was appointed to the Bombay High Court. The Chief Justice was interested in using the central courtroom for judicial work during some days of the week. In April 2016, there was a discussion as to when the Chief Justice might start using the central courtroom on a regular basis. The extent of debate on how the central courtroom ought to be used indicated that the central courtroom has become iconic to the history of the Bombay High Court through its representation of the despotism of colonial law during the Tilak trial<sup>108</sup> (see Kolsky 2010, Mukherjee 2009, Singha 2000). It seems that over time this courtroom transformed into a space that dramatised the representation of history of the Bombay High Court along with a distinct nationalist history. The politics of memorialisation is clear from the Bombay High Court website<sup>109</sup> where the use of the central courtroom finds contestation illustrating the internal debate within the court about how to represent, monumentalise and memorialise its own history.<sup>110</sup>

Another conflict with the ocular and the memorialisation of law and history is also related to the trial of Tilak. As mentioned, this is the courtroom where the trial of Tilak occurred and where he was held guilty of sedition and sentenced for the same.<sup>111</sup> This courtroom has thus been memorialised in terms of the punishment that was accorded to

---

<sup>107</sup> For a detailed account on law, memorialisation and history see the following section in this chapter.

<sup>108</sup> Details on the Tilak trial and its relationship with the Bombay High Court are discussed later in this chapter.

<sup>109</sup> See "Historical Cases." *High Court of Bombay*. Accessed July 05, 2016. [http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second\\_Tilak\\_Trial\\_-1909.html](http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second_Tilak_Trial_-1909.html).

<sup>110</sup> For a detailed account on law, memorialisation and history see the following section in this chapter.

<sup>111</sup> Details of the trial are discussed in the next section of this chapter.

Tilak under the despotic rule of colonial law and legislation. One of the biggest arguments in favour of Tilak during his trial was that the jury members were largely European and therefore they did not understand his writings and were therefore biased while adjudging him guilty of sedition (Gopal 1965). Kolsky (2010) writes extensively about how Europeans were almost never convicted for the crimes they committed against native Indians, while Indians were always held guilty through verdicts of all white juries (see also Cohn 1996, Sharafi 2014, Singha 2000). This aspect of the despotic nature of colonial law also exhibited itself during Tilak's trial. Therefore, there is a strong sense of patriotism and nationalist fervour attached to the Tilak trial.

Once the jury pronounced the verdict of guilty, the presiding non-European judge, Justice Dinshaw Davar, sentenced Tilak to six years' transportation and a fine of ₹2,000. As discussed earlier in this chapter, there was a PIL in the Bombay High Court for the removal of Justice Davar's portrait citing the relationship it had with the trial of Tilak. Equating the presence of portraits and statues of British era judges in the post-independence era of the Bombay High Court with notions of patriotism is a reflection of the continuously conflicted relationship that the court shares with its colonial history.

The description, use and historical significance of the central courtroom is thus an integral part of the iconographical storyboard of the Bombay High Court. The structure and magnificence of the courtroom alludes to the dignity and majesty that it accords to the court. The historical linkage to the Tilak trial has become so significant to this courtroom that it has memorialised law to its own unique understanding and cultural setting. The presence of a marble slab recording Tilak's statement after his guilty verdict was pronounced creates an iconophobia for the visual imagery of this court space. Therefore, the central courtroom provides an example of the ambivalent relationship that the court has with the image and the different methods of control that it portrays. The idea of removing British statues and portraits conflicts with the presence of colonial law that is still in effect after the transfer of power and granting of independence by the British.<sup>112</sup> Mukherjee (2009) rightly points out that independence did not mark a break for India from its colonial past, but the visual presence of the

---

<sup>112</sup> See Kidambi (2007) who argues on the deep imprint of colonial rule that is still seen in the Bombay of today.

British manages to offend the viewer more than the procedures and practices of the law itself.

#### **4.2 LAW, HISTORY AND MEMORY**

The judicial iconography of courts is one way in which the court visualises the law and depicts the dignity and majesty that it chooses to project. Another aspect of the visualisation of law in a particular form is through the role of history and its interplay with the law. Sarat and Kearns take forward the idea of the relationship between law, memory and history to read the ‘internal’ role that law plays in using and writing/re-writing history along with creating a site where law can be memorialised and commemorated (2002:2). In earlier understandings of the link between law, memory and history, the idea of law related to history as an outside force that acts on law. When the ‘internal perspective’ is adopted, it offers the opportunity to look at the law in terms of how law creates its own history and how law becomes a contested site and space where history can be memorialised (Sarat and Kearns 2002:2).

Tracing how memory attaches itself to the buildings of the three high courts, and particularly to the Bombay High Court, that form part of this study, assists in analysing the relation between law, history and memory in material ways. Every court memorialises history in a certain way and localised histories of the courtroom tell a different story when compared to history telling through court judgments and rules. While Sarat and Kearns (2002) discuss, along with other authors, how criminal trials, rules of procedure and case law become sites for the memorialisation of law through the tool of history, I look at buildings and their artefacts specifically in the way memory is attached to furniture and furnishings in the erstwhile criminal courtrooms of the three high courts.

The three presidency town high courts of Bombay, Madras and Calcutta used to have criminal jurisdiction wherein they would hear criminal trials which had a provision of trial by jury as per the criminal procedure code of that time. Initially, these courts also had specific criminal trial courtrooms in their premises. Consider the marble plaque placed outside the erstwhile criminal court of the Bombay High Court. Courtroom number 46, which is also the central courtroom of the Bombay High Court and its largest courtroom, used to be a criminal court – a fact that is still imprinted on a brass

plate above the entrance to the courtroom. The central courtroom of the Bombay High Court becomes important to this discussion because of the two sedition trials of Tilak, who was a freedom fighter during India's independence movement, that occurred inside this courtroom itself. The occurrence of these two cases made the criminal trial court, 'a site of commemoration and remembrance' (Sarat and Kearns 2002:14-15).

The two trials for sedition against Tilak, that were heard in the central courtroom itself, were in 1897 and 1908 while the Bombay High Court was still under colonial rule and decisions were subject to appeal to the Privy Council in England. In both cases Tilak was held guilty of sedition, and in the second case, he was awarded a sentence of transportation that caused him to be physically separated from the freedom struggle movement. Today, the central courtroom is not used for the daily work of the high court and instead is used for special occasions. In the past, the courtroom has been used to host the 150 years Bombay High Court Exhibition that was put up in 2012, along with hosting memorial lectures, judge's swearing-in ceremonies, full court references and on the occasion of the death anniversary of certain nationalist icons like Gandhi and Tilak; or for the celebration of any other event of national importance.<sup>113</sup> The court is also used when it sits to hear cases under *The Parsi Marriage and Divorce Act, 1865*<sup>114</sup> over which it has jurisdiction. Within the courtroom there are five large portraits on the walls (as detailed earlier in this chapter), one of which includes a full length portrait of Tilak which is placed on the wall opposite the judge's dais.

The trials of Tilak refer to the two trials for sedition of Bal Gangadhar Tilak, a freedom fighter from the Indian independence movement.<sup>115</sup> The second trial of 1908 is relevant

---

<sup>113</sup> The central courtroom of the Bombay High Court is used for several events and ceremonies during the course of the year. I have listed only a few to present an idea as to what these events and/or ceremonies could be.

<sup>114</sup> Act No. XV of 1865.

<sup>115</sup> Tilak was held for sedition twice in the course of history – for the first time in 1897 and for the second time in 1908. Both these trials were held in the central courtroom of the Bombay High Court. The case of the first trial of Tilak was when two British officers were shot dead by some Brahmin youths and it was pointed out that this was due to the direct incitement created through Tilak's various speeches and articles against the British rule (High Court of Bombay n.d.). Tilak was prosecuted for sedition under Section 124-A of *The Indian Penal Code, 1860*. The jury in the trial found Tilak guilty of sedition and sentenced him to eighteen months of imprisonment. Pursuant to this Tilak made a special leave for appeal before the Privy Council but this was rejected. In the second trial, Tilak was once again tried for sedition under the same law, for some articles he had published in a Marathi newspaper called *Kesari* in May and June, 1908. During the trial Tilak defended himself before the jury stating that the people who had interpreted his writings did not speak Marathi and what was being projected were not his original words but those from translations. The jurors were not Marathi speaking people and had little knowledge of the

to this debate as it relates to an act of the interplay of law, memory and history within the Bombay High Court. The second trial for sedition held Tilak guilty and the Bombay High Court sentenced him to six years' transportation with a fine of ₹2,000. The case related to certain articles written by Tilak that were published in the Marathi newspaper *Kesari* and had been labelled as being seditious in nature. One of the primary critiques of this trial was that the jury, that had a majority of Europeans on it, was biased as they did not have an understanding of the Marathi language that Tilak wrote in. Further, the jury passed their verdict based on translations of the articles which were presumably not an accurate representation of the text under question (Gopal 1965).

The trial is historical in the context of the Bombay High Court because several years after the second trial of 1908, and post-independence, the first Indian Chief Justice of the Bombay High Court, Hon'ble Mr. Justice M.C. Chagla, unveiled a plaque memorialising the sedition trial of Tilak. This marble plaque has been placed on the wall outside central courtroom number 46, the same courtroom where the trial was held, and has a particular text engraved on it. The words engraved on this plaque were those made by Tilak at the end of his sentencing in the courtroom in the 1908 case. The plaque reads,

In spite of the verdict of the jury I maintain that I am innocent. There are higher powers that rule the destiny of men and nations and it may be the will of providence that the cause which I represent may prosper more by my suffering than by my remaining free (see Image 61).

The site and space for the memorialisation of this incident in the Bombay High Court is contested. The plaque was placed in this historical location several years after the trial. The Bombay High Court website notes that, 'Honouring a patriot of the stature of Tilak with a statue or memorial tablet is right and proper. But Courts of law are not the right and proper places for political and patriotic memorials and demonstrations'.<sup>116</sup> An article in the *Mid-Day* newspaper quotes the views of a lawyer Vinod Sampath when he saw this plaque for the first time in 1985 as he entered the court. Sampath remembers that he was in awe since the time he saw it and realised that, 'it teaches you that one

---

distribution and readership of the newspaper *Kesari* (Tahmankar 1956). The jury held Tilak guilty of sedition by a majority of 7:2. The judge sentenced Tilak to six years' transportation and a fine of ₹2,000.

<sup>116</sup> See "Historical Cases." *High Court of Bombay*. Accessed July 05, 2016. [http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second\\_Tilak\\_Trial\\_-1909.html](http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second_Tilak_Trial_-1909.html).

should be brave and do one's duty without fear or favour' (Mahadevan 2012). The reaction of a person viewing this plaque relates to what Sarat and Kearns point out when they say that there are, 'two audiences for every legal act, the audience of the present and the audience of the future' and the placing of the plaque takes care of these two sets of audiences (2002:12). A distinction is created in the kind of memory formed about the past which directly alters a new memory that has been created for the present which has the capability of reflecting on the future. By installing the plaque, the visibility of the image has re-created history and causes the, 'present [to speak] to the future through acts of commemoration' of installing a plaque with social and political inferences (Sarat and Kearns 2002:13). Effectively, it assists in changing the way a person views the historical trial by making them re-read it in terms of the present. This provides the space to question previous legal actions in order to uphold the present judicial decisions.

The Tilak plaque may be understood as a form of memorialisation of history, which indicates how law plays a role in the construction of memory (Sarat and Kearns 2002). As Sarat and Kearns note that, 'Law looks to the past as it speaks to present needs' indicating that whenever a matter is decided before a court, the law plays out different versions of the past that are then judged on by the court's officers (2002:3). This form of memorialisation is pertinent to view the placement of the plaque with Tilak's words inside the court's premises. The Bombay High Court website also reflects the politics of memorialisation which point towards the danger of law losing its claim to neutrality. At the time of installing the plaque, Justice Chagla in his speech, said,

We have met here today to make *atonement* for the suffering that was caused by these convictions to a great and distinguished son of India. *That disgrace tarnished our record* and we are here to remove that tarnish and that disgrace. It may be said that those convictions were a technical compliance with justice; but we are here emphatically to state that they were *a flagrant denial of substantial justice (emphasis added)*.<sup>117</sup>

The emphasised words are important to understand how history is written and memory of the same is constructed. The Historical Cases section of the high court website notes that Justice Chagla was incorrect in stating that the two judgments on Tilak's sedition

---

<sup>117</sup> Available at "Historical Cases." *High Court of Bombay*. Accessed July 05, 2016. [http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second\\_Tilak\\_Trial\\_-1909.html](http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second_Tilak_Trial_-1909.html).

“disgraced” and “tarnished” the image of the court because these judgments were made with a loyalty towards the law that prevailed at that time, in a similar way that there is a loyalty towards the law that is propagated today. According to the website, this speech was, ‘delivered from a wrong platform’.<sup>118</sup> The Bombay High Court website critiques such memorialisation by stating that the placement of a plaque with the dramatic words of Tilak leaves behind an undesired precedent. Due to the way law constructs the past, it could lead to future judges all placing different plaques around the court based on their own opinion of which judgments have tarnished and disgraced the court’s history. This is an internal critique, which emphasised the claim to laws’ neutrality, even if it involves a critique of colonial law. Thus, Sarat and Kearns write that, ‘how law treats history, how history appears in legal decisions, and how the authority of history is used to authorize legal decisions,’ the placement of plaques within the court premises make judicial pronouncements a verdict of history instead of being a verdict from legal principles (2002:4).

When looking at this argument through the work of Cover and his analysis that, ‘legal interpretation takes place in the field of pain and death’ (1995:203), it furthers the idea by Sarat and Kearns that often legal institutions are, ‘turned into museums of unnecessary, unjust, undeserved pain and death’ (2002:13). As such, the criminal court of the Bombay High Court began to represent a field of injustice and pain, and the method to recreate a new memory for this space was by altering the visual field and placing a plaque that would work to memorialise a new historical account of the event. So important is this particular trial to the history of the Bombay High Court that when the Bombay Bar Association celebrated 150 years, they staged a re-enactment of the trial of Tilak as part of the sesquicentenary celebrations held on 19 November 2016 (see Image 62). The re-enactment of the trial situated contemporary debates on freedom of speech and expression on social media platforms like Facebook with the sedition trial of Tilak in 1908.<sup>119</sup> The young lawyer in the enactment, who is newly acquainted with the history of the trial, expresses his shock during the course of arguments and at the time of pronouncement of the verdict at the injustice meted out to Tilak (Bombay

---

<sup>118</sup> See "Historical Cases." *High Court of Bombay*. Accessed July 05, 2016. [http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second\\_Tilak\\_Trial\\_-1909.html](http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second_Tilak_Trial_-1909.html).

<sup>119</sup> A recording of the re-enactment of the trial of Tilak is available at <https://www.youtube.com/watch?v=RtMr1bdRYVA>.



Bar Association 2016). In other words, the occurrence and remembrance of the Tilak trial is embedded into the very fabric of the Bombay High Court. Court buildings are spaces that relate to several remembrances and they are made monumental and majestic so as to constantly remind the visitor of the power that is held within them. This visualisation works to create a specific social image of the judicial space that in trying to be neutral is in fact constraining the memory and limiting the idea of the law. Therefore, the placement of visual attributes that seek to reopen history and rewrite it are not well located in a court of law as they alter the actual role of law and instead create sites of commemoration.

The criminal courtrooms of the Madras High Court and the Calcutta High Court do not have plaques of a similar nature but have judicial furniture and architectural remnants that are reminders of the purpose of the courtroom. These historical objects create the legal memory of how the past can be reconstructed into something different for the future. In the Madras High Court, court hall 4 was the criminal court and it has a wooden covering on the floor of the court. This covering, when opened, reveals the existence of a spiral staircase that would lead down to a chamber room where the accused would be kept. As per the requirements of the case, the accused would be brought up to the courtroom from the spiral staircase. The Calcutta High Court memorialises the criminal trials in courtroom number 11. The centre of the courtroom has a wooden criminal dock (see Image 119). This dock has, in one corner, a trap door that used to open up to a room below. A staircase connected the courtroom to the room below the court. In addition, the benches on which the jury would sit remain in the courtroom (see Image 118). However, they are not used as jury benches but instead as regular seating spaces inside the courtroom where lawyers, litigants and the general public are permitted to sit.

The courtrooms become a museum with the presence of these artefacts. When I asked persons in the Madras High Court and the Calcutta High Court during interviews if they had any memory of the jury trial in India, several persons recollected these courtrooms instead. While almost no one I spoke to had participated in or seen a trial by jury within the high court premises, they somehow remembered the erstwhile criminal trial courtrooms when they thought about jury trials. The practice of jury trial was abolished in 1973, however a memory of it still haunts the court. Some of the lawyers I spoke to

thought that the jury trial system was more effective and should not have been abolished entirely. Law here is treating the history of a process with a visual interpretation. The memory seeks to remind people of what procedure the present holds and thus affects the collective memory of the persons inside the court. Sarat and Kearns talk about the role of a collective memory and ask the important question of ‘how and where law remembers as well as how and where it helps us remember’ (2002:12). Law remembers through its controlled spaces and helps us remember through the visual and the material.

The presence of the plaque with Tilak’s words engraved makes the Bombay High Court a space that has maintained a relationship with past injustices and inscribed their existence into the court building in some way or the other. At an international level, there are some courts that have memorialised history within their judicial spaces too. The Palace of Justice in Bogota, Colombia, the Constitutional Court of South Africa and the Supreme Court of Justice of the Nation in Mexico have also adopted approaches to visualising the legal history within the space of the court. The idea of how law memorialises history is important in this comparison in terms of how court buildings preface the past injustices that have occurred in their premises. Further, this form of judicial iconography sets the tone for how visitors to the court acknowledge and confront the realities of this space.

Observing the Palace of Justice in Bogota, Colombia, the judicial iconography that subtly plays a reminder of the brutal tragedy that occurred in the court is apparent (see Image 63). In 1985, the court was attacked and the chief justice, along with ten of his colleagues and hundreds of other people were killed. The court has memorialised this historic tragedy by rebuilding the court on the very same space and inscribing the names of all the judges on the walls of the court. Along with this inscription, the architect of the new building, that was constructed in 1998, also maintained the old inscription from the earlier court building (Resnik and Curtis 2011). The inscription provided for the following quote, ‘Colombians: Arms have given you independence, Law will give you Liberty’ which had been made by the President of Gran Colombia after the war of independence from Spain (Resnik and Curtis 2011:349). The historic words from the nineteenth century war, along with the inscription of the 1985 attack, both come together, creating a motif linked to a historical setting that allows for the visitors to the

court to remember the injustices that have occurred and symbolise them with the present existing form of justice that the court upholds.

The Constitutional Court of South Africa, a newly built building in comparison, was completed in 2004. This court is unique in that the entire court has been built with relation to particular symbols of justice and with iconographic purposes. Pertinent to the idea of maintaining the relationship with past injustices, this court also shares a similar feature with that of the Palace of Justice in Bogota, Colombia. The Constitutional Court of South Africa is built atop the Old Fort Prison where Nelson Mandela was imprisoned. The prison is still visible and has been maintained in its original form (see Image 7). The prison here plays a similar role as the inscriptions on the walls of the court in Colombia. The Old Fort Prison was preserved and the Constitutional Court was built on top of it to be a reminder of the atrocities of the apartheid that existed in South Africa and to further inform the visitor that this symbol of discrimination, although a part of this court, is not an action that is supported by or practiced in the same premises. It is the relationship with past injustices that has made the presence of this prison all the more relevant. Although South Africa as a nation strives to leave behind the legacy of apartheid that has dogged it for several years, the need for reminders of this injustice are required, so that history memorialises itself in a form so as not to repeat the wrongdoing.

Another court that has created a memory of history within its structure is the Supreme Court of Justice of the Nation in Mexico through the murals on its walls. In 1921, the President of Mexico decided to reconstruct the country through new buildings and art forms which included a 'program of didactic public muralism' (Resnik and Curtis 2011:358). A design competition was held to select an architect, and the building of the Supreme Court was constructed between 1936 to 1941. In 1941, when a new President was elected, he hired the artist Jose Clemente Orozco to paint murals for the new building of the Supreme Court. These murals are seen on the north and south walls of the court with some parts of the north portions around doorframes. However, the images that were painted were termed as controversial and unsatisfactory by the judiciary. This led to Orozco's artwork commission being cancelled, leaving nearly 3,500 square feet of mural space of the 5,000 reserved square feet blank. While there was a demand to remove these murals, that request was not heeded to. The murals created by Orozco

depicted justice in what was termed as a ‘compromising position’ and was critiqued as showing judges to be reckless criminals who meddle with constitutional documents while the public is tied up on the side (see Image 64) (Resnik and Curtis 2011:361). Another historian of murals viewed the depiction of Justitia as a cynical female comedian or a ‘degenerate prostitute’ who sat at a pedestal and viewed the crimes being committed around her with a complete indifference to the situation at hand (see Image 64) (Resnik and Curtis 2011:360). Due to this particular imagery, there were several critical comments and complaints which eventually led to the artwork commission being stopped.

A new artist, Rafael Cauduro, was later hired to complete murals in the blank spaces inside the court building. These murals were completed in 2009, and although they too have negative imagery, they were accepted by the justices as reminders of past and present injustices which the court should work towards remedying. The murals created by Cauduro depict seven crimes which range from issues like rape to homicide and kidnapping, repression, torture, use of brute force and corruption (see Image 65) (Resnik and Curtis 2011). These murals are created from the basement to the upper floors of the court and along the stairways. Therefore, the imagery is viewed by the judges on a daily basis as they walk to their courtrooms and as one judge stated, it is the last image that they see before they begin the process of justice dispensation (Resnik and Curtis 2011). It was the intention of Cauduro to, ‘paint a reminder, an everyday message of what must be done’ (Resnik and Curtis 2011:365). There was a difference in reaction to these murals as compared to Orozco’s murals; Orozco’s artwork was stopped, while the judges in 2009 celebrated Cauduro’s work as they acknowledged that it reflected the failures of the judicial system that existed. One of the judges expressed the view that these ‘disquieting’ images challenged them to work towards making these scenes disappear forever from Mexico (Resnik and Curtis 2011:365). The judges also felt that seeing the murals on a daily basis would help internalise the message and reflect on the faults of justice which would in turn assist them in making these injustices a thing of the past.

Therefore, these different courts display injustice on their walls that play the role of a reminder of past and present atrocities that should not be carried forward in the future.

In these alternate ways, history is memorialised by the law creating sites of commemoration that alter the actual role of the law.

### CONCLUSION

The Bombay High Court symbolises its colonial form in several ways. The statue of justice atop one tower of the high court is a Roman depiction which serves as an allegory of justice for this court. The statue has the often found attributes of a sword and scale but is open-eyed as opposed to being blindfolded. In the interior of the court, there are carvings of a monkey depicted as a judge presenting the satire on the walls of the court. Along with this carving, there is also one of a fox with a lawyer's band, thereby depicting the "fox lawyer". These are only a few of the carvings and images that are visible across the court structure.

The presence of these visual symbols of justice play the role of depicting the law and its forces in a particular way. The large and daunting architectural structure of the Bombay High Court contributes to the majesty and dignity with which the court is viewed and from this the court derives its legitimacy. As Halder explains, 'The elegance of legal architecture provides the background against which justice is seen to be done' and this principle is well exemplified in the Bombay High Court (1999:135). The judicial pronouncement, that not only must justice be done, but also be seen to be done raises questions on how the Bombay High Court images itself. The occurrence of this set of iconophobia towards the court is generated through different registers, beginning with the architectural structure of the building, along with different signs and motifs that are present in the daily functioning of the court. This includes and is not restricted to, the dress worn by persons in court, the language used in court, the way the court is addressed and the everyday rituals performed inside a courtroom. When all these iconographical aspects are looked at as a whole, the jurispactic tendency of law is brought to the forefront wherein law dominates the narrative destroying its interpretive quality (Cover 1995).

A recent PIL filed in the Bombay High Court debates the lack of space in the current court building and makes an argument that the court should be moved out of its current location and rebuilt in another part of the city. The PIL suggests that the new structure should have several facilities and amenities to meet the demand of space constraints on

the court today. Here I argue that the importance and significance of the Bombay High Court building is also significant to the relocation debate. Halder clarifies that, ‘The architectural detail converts the power of justice into the force of justice’ and it is through this daunting structure that the law gains its legitimacy and force (1994:197). The court space is therefore not neutral and is influenced by its surroundings and visual imagery (see Mulcahy 2011). It would also ease access to justice and make the court more approachable if the court modified other colonial aspects that are a part of its practice. This ranges from the language used in court, the way the court is addressed to the dress worn by different court actors and the daily rituals and ceremonies in everyday that are carried out during everyday court proceedings. If these processes were modified to be less colonial, thereby making them less dominating and despotic, access to courts would be eased without having to move the building of the court.

On the issue of space, the Bombay High Court has one of the largest courtrooms in the form of the central courtroom number 46. Here the court contradicts itself as due to the historicity attached to this court there is a conflict in what use the courtroom should be put to. Being a court so large in size, it could cater to one aspect of the space constraints that the court faces. The courtroom could be utilised for daily court proceedings providing space for all persons to attend court and witness the high court as it functions. However, the historical setting and the association with the Tilak trial prevents this court from being used on a regular basis. In the same vein, the high court building itself is also a historically relevant building which has several semiotic associations linked to it. The Bombay High Court therefore needs to consider its relationship with its own visual culture when deciding on the future course of the high court building.

While this chapter focusses on the origin, architecture and judicial iconography of the Bombay High Court, Chapter 6 highlights various aspects of the daily processes and practices in the court that create a further aura around the court and accord it the legitimacy it has from the appearance of justice being seen to be done. These daily rituals show how the process of law conserves its sacrality while it still publicly monumentalises the law. An important aspect of the Bombay High Court, which is also a part of the history of the Madras High Court and the Calcutta High Court, is the colonial history that it carries forward. As Mukherjee argues, the Indian state and judicial framework continued to evolve in the ‘shadows of empire’ and therefore there

was and is no complete break from the colonial past (2009:xiv). The colonial traditions are well imbibed into the culture of the court whereby acts of domination and subordination compose the visual image of the law that reflects upon the ambivalent relationship shared between lived law and its image.

The Bombay High Court is an example of a colonial court with a distinct historical lineage. The signs and motifs on display in this court relate to the cultural linkage of this court with its historical past and the peculiar way in which history plays a role in memorialising the law. The central courtroom of the Bombay High Court is its largest iconographical symbol that relates to the notions of the semiotics of law as explained in Chapter 2. The presence of this imagery has to be understood in the context of legal architecture being different so that it can bring out the eventual ornate nature of the law. In the next chapter, we travel to the Madras High Court.

## CHAPTER 4: THE MADRAS HIGH COURT

### INTRODUCTION

The Letters Patent of 1862 established the three high courts of Bombay, Madras and Calcutta at the same time. However, actual judicial work commenced days apart from each other. The Madras High Court started work after the Calcutta High Court had already commenced and a day after the Bombay High Court had its first session. Since I focus on the judicial iconography of these three high courts, I specifically look at the time when they shifted into their present buildings that were built in the late 1800s. It should be noted that the construction of the Madras High Court building was sanctioned in 1888 and was completed four years later in 1892.

Of the three high courts that were created through the Letters Patent, the Madras High Court was the only court that employed Indian architectural styles in its building structure. The difference in its style is distinct, more so when compared with the Bombay High Court and the Calcutta High Court. The Madras High Court started as the only building built in a compound that was exclusive for its use. Several other courts, various administrative buildings, law offices and a law college now surround the high court building. However, when one approaches the compound, the Madras High Court building still stands out as unique amongst all other buildings that came up subsequently. The pride that this building carries was evident in the details provided in a guided walking tour of the high court, which is a regular occurrence in this court building.

The high court does not house any statue of justice in the form of a lady figure with the attributes of a pair of scales and a sword. Such figures are found in the Bombay High Court and the Calcutta High Court. One Judge pointed out that the reason was the court's very architectural style. The idea of justice being depicted in this form comes from a European notion of justice. Since that architectural style was not employed, the idea of justice manifested in alternate ways. The installation of statues of persons in the Madras High Court has been a point of conflict. Opposition to the installation of statues came, for different reasons, from both native Indians and the British. Building its



iconographical context, the Madras High Court composed its motif that classifies and describes a symbol of justice. This manifests itself in the form of the lighthouse that towers across the high court and its complex. The semiotic association of reading the lighthouse as a beacon of justice reveals hidden and allegorical meanings that remain unexplored.

Reading the history of the evolution of the high court, and the development of its space, comes alive on the first visit to the high court. The most talked about feature of the court is the lighthouse that was built as part of the high court structure, and still stands tall adorning the height of the high court building. At night, the lighting in the court outlines a pronounced silhouette. The symbolism and importance of the lighthouse makes it iconographically analogous to a statue of justice.

The Madras High Court has several unique customs. From the practice of ringing a bell at the start and end times of court working hours, to the closing of its gates once a year to prevent the creation of easementary rights,<sup>120</sup> the high court building also houses a crèche for babies and a Muslim prayer hall. Each of these aspects exist only in the Madras High Court.

In this chapter, I begin with describing the history of the judicial structures in the Madras region, from the East India Company courts in the 1600s to the British courts, and culminating in the establishment of the high court in 1862. This section also traces the evolving jurisdiction of the Madras High Court from the colonial period to post-independence India. The next section details the establishment of the current Madras High Court building that was completed in 1892. The following section talks about the architecture and judicial iconography of the Madras High Court. I trace this through different registers, beginning with the architecture of the court building and the layout of the Madras High Court. I then highlight the significance of the lighthouse; along with focussing on the controversy over the installation of statues in the high court. The

---

<sup>120</sup> Section 4 of *The Indian Easements Act, 1882* defines easement as: An easement is a right which the owner or occupier of certain land possesses, as such, for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to prevent something being done, in or upon, or in respect of, certain other land not his own. Dominant and servient heritages and owners. -The land for the beneficial enjoyment of which the right exists is called the dominant heritage, and the owner or occupier thereof the dominant owner; the land on which the liability is imposed is called the servient heritage, and the owner or occupier thereof the servient owner.

section ends with a description of the Madras High Court complex that houses several courts, other than the high court itself. The last section of this chapter documents the specific customs that are prevalent in the Madras High Court.

I analyse the Madras High Court in this format in order to develop a comparative perspective. In Chapter 6, I look at the similar and differing aspects of all the three high courts, and evaluate them in terms of the visual storyboard that they create through different registers of language, manner of addressing the court, dress and banning of photography thereby controlling the image of the court. When looked at in terms of the semiotic representations, the courts exhibit various images of law that portray an iconophobia towards the ocular. They also exemplify the judicial pronouncement that not only should justice be done but it must also appear to be done.

### **SECTION 1: HISTORY OF THE MADRAS HIGH COURT**

Beginning in the 1600s, courts of law, in colonial terms, were established in Madras. Over the centuries, the system of law and courts evolved which culminated in the establishment of the Madras High Court as a separate entity in 1862. Tracing the history of law courts from the 1600s points towards the creation of judicial systems through the East India Company. While the East India Company's original motivations were related to trade, its emergence as a political power soon made the administration of justice central to their concerns. They did this by establishing judicial institutions in a centralised manner across all their territories (The Editorial Committee 1962). The trajectory of events covers the period from the 1600s until the 1800s (The Editorial Committee 1962). By 1862, the year when the Calcutta, Bombay and Madras High Courts were established, the British had become a world power and it was during this period that they granted a Letters Patent that created the three high courts in these presidency towns.

In the 1600s, the Queen of England granted judicial functions under its Charters that permitted the East India Company to punish offenders. These Charters began with granting permission to the East India Company to penalise British persons who committed crimes in the "east India" region. The court for this purpose was the

*Choultry Court*<sup>121</sup> (The Editorial Committee 1962). The judges sent cases relating to British persons back to Britain, and the matters involving Indian parties were passed to a local Indian person. Over time, the laws evolved and the newly passed Charters decided that all persons were to be judged according to the laws of England, irrespective of their civil or criminal nature. When the load on the *Choultry Court* became unmanageable, the first Court of Judicature was established in Madras in 1678 (The Editorial Committee 1962). In the 1700s several courts were established as per the developing role of administration and increasing judicial necessity.

In September 1746, Madras came under French occupation and all the courts in Madras were relocated to outside the city (Rajah 2012). When the area of Madras was handed back to the British, all these courts had to be re-organised. A new Mayor's Court was established in 1753 and it remained so till 1798 when a Court of the Recorder of Madras was created (The Editorial Committee 1962). The Mayor's Court had no jurisdiction over Indians unless they consented to voluntarily file their cases before the court. The establishment of the Court of the Recorder of Madras led to the creation of 'a scientific definition of the Town of Madras', which drew the limits of the town and that of the extent of the judicial and administrative powers of the courts and other institutions (The Editorial Committee 1962:11). As the extent and power of the East India Company increased, the 'trial and error' method that had been used till date for the implementation of courts in Madras could not be carried forward, and a formal and organised structure needed to be put in place (The Editorial Committee 1962:11). Therefore, through a Charter issued by the King, all judicial powers were transferred to the Court of the Recorder at Madras.

The jurisdiction of the Recorder's Court established in 1798 was similar to that of the King's Bench in England which was evident from the fact that the court was provided with a seal bearing 'His Majesty's Arms' and all judicial work was issued under this seal (The Editorial Committee 1962:12). This court brought about the change wherein now all Indian inhabitants of the town of Madras were brought under its jurisdiction

---

<sup>121</sup> During the initial stages of the British administration of justice in Madras, courts delivered justice to native Indians through a native *Adigar* who was the governor of the town. The governor would sit at the *Choultry* which was the Town House. Therefore, the court was called the *Choultry Court* (Gopalratnam 1962).

and it was sanctioned to frame its own rules. Importantly, the Recorder's Court was allowed to enrol persons as bonafide practitioners of law and only persons thus certified were permitted to appear before the court. The persons thus enrolled and admitted as advocates together formed the Madras Bar (The Editorial Committee 1962). The first court established after these events was the Supreme Court of Judicature at Fort St. George on 26 December 1800 with one principal judge heading the court. The functions of the Recorder's Court were transferred to this court. Appeals from this court were sent to the Privy Council in England.

The Recorder's Court was merged into the Supreme Court of Judicature at Madras in September 1801. Courts were now being set-up under Regulations issued by the royalty in England. Under these Regulations, the following courts were established – *Zilla Courts* which were district level courts for the trial of civil suits, Provincial Courts of Appeal which heard appeals from these *Zilla Courts* and *Sudder Adawluts* to hear appeals from the Provincial Courts. These courts dealt with the civil law. For criminal law cases, there were the Courts of Circuit and a *Foujdary Adawlut*<sup>122</sup> functioning as the chief criminal court (Gopalratnam 1962).

From 1800 to 1862, two parallel court systems existed in the presidency town of Madras. One judicial system existed under the Charters of the royal authorities in England where the judges were also appointed by the King or Queen of England. The other judicial system was the one administered by the East India Company which functioned through the *Sudder Adawluts*, the Mofussil Courts and the Company's Courts (The Editorial Committee 1962). The main difference was that the courts under the Royal Charters had jurisdiction over the town of Madras and the East India Company courts dispensed justice in the mofussil<sup>123</sup> areas.

The political events of 1857<sup>124</sup> triggered changes in the functioning and power structure of the East India Company. The Government of England assumed direct rule over the territory of British India (The Editorial Committee 1962). One of the major changes

---

<sup>122</sup> *Foujdary* is a Persian word which means criminal jurisdiction; *Adawlut* is an Arabic word meaning court (Gopalratnam 1962).

<sup>123</sup> A provincial or rural district in India.

<sup>124</sup> The *sepoy* (Indian soldier) mutiny of 1857 is often considered as the first war for India's independence. The mutiny eventually led to the dissolution of the East India Company.

was the introduction of *The Indian High Courts Act, 1861*<sup>125</sup> that was passed on 6 August 1861. It was under the terms of this Act that the Queen of England was empowered to issue a Letters Patent that established the three high courts of Calcutta, Bombay and Madras. Once the Letters Patent was brought into effect, the existing courts in the Presidency town of Madras – the Supreme Court, the *Foujdary Adawluts* and the *Sudder Adawluts* were abolished (Gopalratnam 1962).<sup>126</sup> All the existing powers and jurisdiction of these courts was transferred to the High Court thus established. The core structure of these high courts was defined under *The Indian High Courts Act, 1861* that stated that each high court would have a chief justice and not more than fifteen judges. The judges would be appointed by the Crown and hold office as per the discretion of the Crown. The high courts had judicial and administrative powers wherein they could frame rules for their appellate jurisdiction and terms of practice within the court (Gopalratnam 1962).

The Letters Patent dated 26 June 1862 established a High Court of Judicature at Madras. It was constituted as a Court of Record. The High Court also had a Seal bearing the words ‘The Seal of the High Court at Madras’ encircling it with an image of the Royal Arms of the Queen of England (The Editorial Committee 1962:24). While the Letters Patent were issued in June, the Madras High Court finally came into existence with the commencement of judicial work on Friday, 15 August 1862 (Souvenir Committee, High Court, Madras 2012).

With India’s independence in August 1947 and the adoption of the Constitution of India on 26 January 1950, the Supreme Court of India was established which superseded the authority of all the high courts including the Madras High Court. The jurisdiction of the Madras High Court was also defined at this time. This jurisdiction has evolved and changed over time with the regional, political and administrative boundaries being altered in independent India since 1950.

When the State of Madras was bifurcated in 1953, the jurisdiction of the Madras High Court was divided between Madras and the newly formed High Court of Andhra

---

<sup>125</sup> Act 24 and 25 Vict. C.104.

<sup>126</sup> The Provincial Courts of Appeal and the Courts of Circuit were already abolished in 1843 (Gopalratnam 1962).

Pradesh. *The States Re-Organisation Act, 1956*<sup>127</sup> further reduced the districts that came under the Madras High Court (Souvenir Committee, High Court, Madras 2012). While the criminal jurisdiction of the high court has been altered, the high court still retains an original civil jurisdiction as per the law. The criminal jurisdiction of all the high courts was amended when jury trials were abolished from the Indian legal system with a change in *The Code of Criminal Procedure, 1973*<sup>128</sup> (see Chapter 3). Additionally, the Madras High Court got jurisdiction over Pondicherry in 1962. With political changes occurring in India, the French territories still existing in India post-independence were eventually transferred from France to India. Several agreements and treaties were signed and ratified between the two countries under which the territory of Pondicherry was transferred to India. With *The Pondicherry (Administration) Act, 1962*,<sup>129</sup> the jurisdiction of the Madras High Court was extended to Pondicherry from 6 November 1962 (Souvenir Committee, High Court, Madras 2012).

In 2004, an Order was issued by the Government of India under *The States Re-Organisation Act, 1956*. The Order, called as *The Madras High Court (Establishment of a Permanent Bench at Madurai) Order, 2004* created a permanent bench of the Madras High Court in Madurai, Tamil Nadu which was inaugurated on 24 July 2004 (Souvenir Committee, High Court, Madras 2012). Therefore, the Madras High Court has its principal bench in the city of Chennai, Tamil Nadu and a permanent bench in Madurai, Tamil Nadu along with jurisdiction over the Union Territory of Pondicherry.

As per the original Letters Patent, the high court consisted of one chief justice and fifteen judges. While the chief justice has always been one, the sanctioned number of judges has increased over the years and the current sanctioned strength of judges is seventy-five (Express News Services 2016).

## **SECTION 2: ESTABLISHMENT OF THE MADRAS HIGH COURT BUILDING**

While the Madras High Court officially commenced its work on 15 August 1862 the high court was shifted to its present building only in 1892. The construction of a separate building specifically for the high court was authorised after the issuance of the

---

<sup>127</sup> Act No. 37 of 1956.

<sup>128</sup> Act No. 2 of 1974.

<sup>129</sup> Act No. 49 of 1962.

Letters Patent. In 1862 there was no grand opening of the court; the high court started work immediately (Souvenir Committee, High Court, Madras 2012). However, the new building was opened with a lot of pomp and grandeur and a majestic ceremony was held to establish the high court as the epitome of justice in the Madras area. This occurred on 12 July 1892, almost thirty years after the commencement of work in the Madras High Court.

V.C. Gopalratnam (1962) writes a chapter in his work on the opening of the new high court building and notes the splendour of the entire ceremony. While the opening ceremony was carried out by the Governor of Madras, the Right Honourable Beilby Baron Wenlock, the assembly included several distinguished judges and lawyers of the high court. The procession of dignitaries, ranging from the Governor, the Chief Justice and the Sheriff of Madras to the Assistant Engineer and Government Solicitor entered the court, after which the British national anthem was played (The Editorial Committee 1962). The inauguration proceedings of the Madras High Court building with its processions and procedures, enacted a specific kind of performance that entrenched the idea of law as a mode of colonial domination to “civilise” the “lawless and backward” native (Cohn 1996, Kolsky 2010, Mukherjee 2009, Singha 2000).

Once seated, one of the secretaries of the Public Works Department (PWD) offered the key of the Madras High Court building to the Governor of Madras who subsequently handed it over to the then Chief Justice of the high court Sir Arthur J.H. Collins. While handing the key over, the Governor stated in his speech, ‘the key [is] a token that the building has been entrusted to your hands by the Government, in full confidence that the administration of justice will be carried on with the ability and integrity that has always marked the Madras High Court’ (Gopalratnam 1962:118). The symbolic handing over of the key marked a new phase for the Madras High Court.

While the Madras High Court continues to function from the same building completed in 1892, there were two events in history that affected the premises of the high court building. The first incident occurred during World War I when the German cruiser named Emden created havoc in the Indian Ocean. This cruiser was responsible for showering several rounds of explosive shells into Madras city. One of these shells landed and struck the compound wall of the Madras High Court on the night of 22

September 1914. The portion where the compound wall was damaged has been preserved and a plaque noting this event has been placed at the spot (see Image 66).<sup>130</sup> The event made such an impact on the people of Madras that “Emden” has come to mean a “bad fellow” in Tamil.<sup>131</sup> The next event, that created panic in the city, occurred during World War II. A Japanese fleet of ships was sighted in the Bay of Bengal in April 1942 resulting in the city’s evacuation (Rajah 2012). Along with other government offices, the high court also had to move out of its present building. Initially the high court with all its records was shifted to Coimbatore. When the court shifted back to Madras, it was temporarily relocated to a convent in Thiagaraja Nagar, till all the records that had been moved out of the high court were restored to their original place (Rajah 2012, The Editorial Committee 1962). These two events make the Madras High Court the only court amongst the three presidency town courts to be affected by both World Wars.

Before construction of the present building of the Madras High Court commenced it was necessary to find an appropriate location. The area selected used to be an enclosure of two temples – the temple of Chennakesava and the temple of Chennaimalleswarar. As the folklore goes, the temples were destroyed in a ‘mysterious’ fire, making the location available for construction of the high court (Ramasubramanian 2012:55). During my fieldwork, several court personnel I spoke to recounted the mysterious fire. They suggested that the fire was caused intentionally so as to make the space for the court available. However, there is conflicting information available on this. Some records note that in 1762, for the purposes of expanding their army, the East India Company had the temples razed and offered an area of equal space for the temples to be rebuilt elsewhere (Dikshitar 1939). The two temples stand at this new location on China Bazaar road till date. Therefore, while the high court still stands on the ground that used to host the temples, it is not confirmed that the temples were specifically destroyed for the purposes of accommodating the high court.

---

<sup>130</sup> The information of this event has been sourced from the Madras High Court Museum panels and from the text of the original plaque placed on the compound wall of the Madras High Court.

<sup>131</sup> As narrated by Mr. N.L. Rajah during the guided heritage walking tour of the Madras High Court on Sunday, 1 November 2015.



However, the high court is still associated with being built on consecrated grounds. As Justice V. Ramasubramanian writes in his article on the history of the high court, ‘The destruction of the temple of God paved way for the construction of the temple of justice’ (Souvenir Committee, High Court, Madras 2012:55). Many authors, judges and advocates of the Madras High Court are of the opinion that, ‘The edifice of justice thus rests on consecrated ground’ (Rajah 2012:35). Senior advocate T.R. Mani recollects that up until fifty years ago, *prasadams*<sup>132</sup> from these temples would be brought to the Madras High Court to ‘facilitate the witnesses who took the solemn oath in the name of God’ (2012:247). He further notes how this practice has since been discontinued. Senior advocate N.L. Rajah also narrated the story of priests from these temples who would use the water from the River Ganga and *tulsi*<sup>133</sup> leaves to facilitate the oath taking in court. He also pointed out that this practice was stopped once the Gita and Quran were accepted for oath taking in court. Till this practice was in place, Rajah stated, that there was still a connection between the high court and the temples.<sup>134</sup> Rajah’s narrative suggests a strong relation between law and sacrality, and history and memory in everyday forms of memorialisation (see Goodrich 2014, Sarat and Kearns 2002).

### **SECTION 3: ARCHITECTURE AND JUDICIAL ICONOGRAPHY OF THE MADRAS HIGH COURT**

This section has been divided into different parts that describe the architectural and iconographical features of the Madras High Court. Beginning with a description of the Madras High Court building from its exterior, the next part details the layout of the Madras High Court and the significance of court hall 1, which is the chief justice’s court. After mapping the Madras High Court complex as a whole, the section moves on to describe the most prominent feature of the Madras High Court – the lighthouse atop its building along with information on the other lighthouses in the city, one of which is still part of the high court compound. The focus is then moved to the presence of portraits; followed by statues inside the court and in its compound, that have been installed amidst protests and controversy. The section ends with highlighting law as heritage that manifests through the walking tours conducted of the Madras High Court.

---

<sup>132</sup> A religious offering of food.

<sup>133</sup> A basil plant considered sacred by the Hindus.

<sup>134</sup> As narrated by Mr. N.L. Rajah during the guided heritage walking tour of the Madras High Court on Sunday, 1 November 2015.

### 3.1 THE MADRAS HIGH COURT BUILDING

The construction of the Madras High Court commenced in October 1888 and was completed in 1892. The consulting architect to the government at that time was one Mr. J.W. Brassington who was responsible for preparing the original plans of the building and creating an estimate of the costs that would be incurred. As per the original estimate plan, the Madras High Court was expected to be built at a cost of ₹9,45,000. However, several additions were made to the court beyond the original plan which included the building of an additional court building. Due to these changes the final cost of building the Madras High Court stood at ₹12,98,163 (Gopalratnam 1962). The final design presentation and completion was done by the consulting architect to the government Mr. Henry Irwin who also participated in the grand opening ceremony on 12 July 1892 (see Image 67).

In 1892, the Madras High Court was built with an extension for an additional Court of Small Causes and chambers for *vakils*.<sup>135</sup> The main tower for the high court building was always part of the design and was initially intended to be at a height of 142 feet. However, with the change in design a lighthouse was added to the Madras High Court building. At the time of the opening of the high court in July 1892, the tower that was meant to house the lighthouse was incomplete (Gopalratnam 1962). When the lighthouse was relocated<sup>136</sup> to the Madras High Court building, it was placed atop the central tower of the Madras High Court at one hundred and seventy-five feet, adding one of the most unique features to any high court in India. When this lighthouse was completed, it was fifty-five feet taller in height than the existing lighthouse of Madras city (which is found to be in the same complex of the high court) (Gopalratnam 1962). The Madras High Court therefore provided the port city of Madras with its tallest navigating point.<sup>137</sup>

The Madras High Court is built in the indo-saracenic architectural style, which is sometimes referred to as the ‘Hindu-saracenic’ style as was stated by the Governor of Madras at the time of the opening of the high court building on 12 July 1892

---

<sup>135</sup> *Vakils* were usually the Indian lawyers in pre-independence colonial courts (see Schmitthener 1968-1969).

<sup>136</sup> There was already a lighthouse for the city that was constructed in The Esplanade area which became a part of the Madras High Court complex.

<sup>137</sup> Details on the four lighthouses of Madras city are provided later in this chapter.

(Gopalratnam 1962:117). This style of architecture constitutes a mix of classical European styles of architecture and Indian architecture; in this case mostly adapted from Mughal and Rajput architectural styles (Murali 2012). In his opening speech after accepting the key to the building of the Madras High Court, the Governor of Madras explained the architectural style of the building and noted that while the style was ‘Hindu-Saracenic’ it was, ‘freely treated according to local requirements’ (Gopalratnam 1962:117). Therefore, the contribution and adaptation to the local architecture styles is a very important aspect of the architecture and construction of the Madras High Court. In addition to the style, all the material used to build the building was sourced and manufactured locally. The only exception was the steel girders used to carry the floor and the roof and some ornamental tiles (Gopalratnam 1962).

The red colour of the Madras High Court building comes from the bricks supplied from the government brick-fields (Gopalratnam 1962). The exterior of the high court is seen covered in red brickwork along with certain parts laid with granite stone. Therefore, the structure is mainly constructed with exposed brick walls and pillars with stone reinforcements adding to the strength and rigidity of the structure (Murali 2012). Few of the most striking features of the Madras High Court building are the domes that are visible on the exterior (see Image 68). These onion domes have elaborate designs on them with terracotta inlay work and multi-coloured plaster designs that adorn the external view of the Madras High Court. Of these, two form the main domes of the high court building – one on the western side of the building and the other is the lighthouse dome. Along with the domes, minarets, stone balconies, large and varied kinds of arches along with extensive *chajjas*,<sup>138</sup> finials and pinnacles can be seen on the exterior (see Image 69) (Murali 2012). The different styles of arches also form a distinct characteristic of the court building when viewed from the outside. The ground floor has stone-edged Islamic style arches but on the higher floors they are in Gothic style with pointed arches and scalloped stone rims (Murali 2012). In other sections one can see clover-shaped arches made of granite that change in design when they are built with bricks and terracotta work instead (see Image 70).

---

<sup>138</sup> A *chajja* is the projecting eaves of a roof that is usually supported by large carved brackets.

The contractor for the building was Namberumal Chetty. As Tara Murali (2012) writes, he was a leading contractor of the time. Several artisans were employed and engaged to carry out the construction work and intrinsic artistic detail that defines the Madras High Court. Some of these artisans were trained in their decorative skills while on the job, and several came from the School of Arts where they had already been taught various artistic skills including the style used in this building (Gopalratnam 1962). The artisanal work can be seen above arches, along the corridors, on pillars, staircases and above arched entries inside the court building (see Image 71). One set of interesting artisanal work is seen on the side of the high court from where the sheriff used to enter. This entrance of the high court building is now closed. Above the arch there can be seen carvings of a snake,<sup>139</sup> a swan and Vishnu<sup>140</sup> in a meditation pose.<sup>141</sup> The Madras High Court building therefore displays its own unique design and structure that stands apart from the colonial high courts of Bombay and Calcutta.

### 3.2 LAYOUT OF THE MADRAS HIGH COURT

The floor plan of the high court building follows a classical style of symmetry. The main structure of the building is built atop a high plinth with thick brick walls for support. The initial high court building accommodated six court halls<sup>142</sup> for the use of the Madras High Court and four court halls for the purpose of the Court of Small Causes. Space was also provided for the court registry, bar associations and chambers for lawyers. As of October 2015, the main Madras High Court building has twenty-nine court halls along with various administrative offices present in the building and the Court of Small Causes, while in the same complex, does not function out of the main high court building.

The Madras High Court has three floors including the ground floor. The ground floor has a mix of court halls and administrative offices. Court halls 21 to 29 are located on the ground floor of the court building. The administrative offices include those of the

---

<sup>139</sup> Carvings of snakes have been seen atop pillars in the Bombay High Court also (see Chapter 3).

<sup>140</sup> A Hindu God.

<sup>141</sup> While pointing out these carvings during the heritage walking tour of the high court, Rajah said that the snakes were reflective of karma and the best place to remind a person of karma was the court. The swan he said had the ability to distinguish milk from water and the presence of Vishnu was emblematic of the “Indo” part of the architectural style but ‘was not blatantly Hindu’. This is as narrated by Mr. N.L. Rajah during the guided heritage walking tour of the Madras High Court on Sunday, 1 November 2015.

<sup>142</sup> In the Madras High Court, the courtrooms are referred to as court halls and therefore I have maintained the same nomenclature.

records sections and offices of the different registrars of the high court. The Registrar (Vigilance) and the high court Vigilance Cell are located next to each other. The office of the Additional Solicitor General of India, the Government Pleader and the Tamil Nadu Advocates' Clerks Association also find space at this level. A Press Room has also been created out of space at the end of one corridor. The Tamil Nadu Mediation and Conciliation Centre has its functioning office space on the opposite end corridor of the building.

On the ground floor, towards the north of the main building, near the entrance is located the Madras High Court museum. Of the three presidency town high courts, the Madras High Court is the first court to establish a museum. It was opened in 2005 and consists of two parts. One section is a replica of a court hall and the other section has information about the high court. There are several panels of information lining the walls of the museum documenting the origin of the Letters Patent to the construction of the present high court building. There are several artefacts of display like the judge's silver mace and a red robe that used to be worn in the sessions courts. Some panels document the different artisanal work of the high court along with some old pictures of the court premises and some interesting caricatures presented by one of the judges. One panel contains information on the office of the Sheriff that has since been abolished. As G. Masilamani notes, the purpose of this museum is, 'To give a visual presentation of its long and glorious experience to all those who visit the High Court' (2012:226). In comparison to the other high courts, the Bombay High Court opened a museum within its premises in 2015 and the Calcutta High Court does not have a museum.<sup>143</sup>

The first floor has court halls, judge's chambers and administrative offices. This is the main floor of the high court building as it has the largest court halls. The floor has court halls 1 to 20 spread across and interspersed with several judge's chambers. Court halls 1 and 2 are the only two court halls that have judge's chambers attached to them. The rest of the judge's chambers are separate rooms along the corridors. The first floor also opens into the Justice Rajamannar Hall. This hallway that is a wide passage has paintings of various judges along its walls.<sup>144</sup> The end of the hallway has a bust of

---

<sup>143</sup> As of 15 January 2016.

<sup>144</sup> At the time of my fieldwork the Justice Rajamannar Hall was closed for restoration and renovation work.

Justice Rajamannar who was the first Indian chief justice of the Madras High Court and held this position for the longest term in office, from 1948 till 1961 (Kannan 2012). The other important administrative offices on the first floor include the office of the Registrar General of the high court and the office of the Private Secretary to the Chief Justice. Outside the Registrar General's office are placed two wooden boxes, one for complaints and the other for petitions for senior citizens. The Judges Library and the Madras High Court Advocates Association Library is also on this floor. At the opposite end of the corridor of the Chief Justice's chamber is the Madras Bar Association office. The first floor has the four court halls numbered from 8 to 11 in a quadrangle under a huge dome. This part of the floor has an octagonal lobby that meets at a junction of four internal passages of the court design (see Image 72). Atop this lobby space is a huge double-storey dome which has a circular gallery at the second-floor level (see Image 73) (Murali 2012). The cupola is covered with plaster with design work painted in silver colour. From the exterior, this is one of the main domes of the main high court building. Near one staircase along a corridor on the first floor, a fish tank by the Tamil Nadu Fisheries Department has been placed (see Image 74). Near this is the Madras High Court bell that is placed outside the office of the Registrar General.

The high court building has a variety of staircases that connect one floor to the other (see Image 75). Some of these staircases have signs that state, 'Strictly Reserved for Hon'ble Judges' while others are open for lawyers, litigants and the general public. The staircases are made of stone and have iron hand railings for walking support. The staircase located inside the lighthouse structure that goes all the way to the top of the lighthouse is made completely of cast iron (Murali 2012). There is a core main staircase in stone where four staircases converge at a common landing which forms the central access to the court halls.

Using these staircases to reach the second floor, one can see a spiral staircase that leads to the terrace area and upper most landing of the high court building. This floor mainly has judge's chambers and some administrative offices. There are no court halls on this floor. The offices of the Public Prosecutor and the Advocate General are also located at one end of this floor. All floors of the high court building have long covered verandahs with colonnades along the edge (see Image 76). These corridors allow for natural light to enter creating the openness and inviting nature of the court. The court

is structured to look inviting for everyone who enters but curtails this openness in different forms within the court building, similar to Haldar's description of the Israeli court (see Chapter 2).<sup>145</sup>

The main court hall in the Madras High Court is court hall 1 – the chief justice's court hall. During my fieldwork, I asked several people if there was a specific reason why court hall 1 was designated as the chief justice's court. While in the Calcutta High Court, the chief justice sits in courtroom number 1 (see Chapter 5), this is not the practice in the Bombay High Court where the chief justice's court is courtroom number 52 (see Chapter 3). The reason for court hall 1 being the chief justice's court is detailed by the senior advocate Mani (2012) when he writes about the high court's structure. While the people I interviewed largely believed that it was a tradition being followed and also due to the order of ranking since the chief justice is the first amongst equals, and therefore court hall 1 was appropriately assigned to the first judge – the chief justice; Mani (2012) notes that the dimensions of the chief justice's court are similar to the court of the Queen's Bench in the United Kingdom. Additionally, the layout and designated placement within the court which comprised of seating arrangements for members of the bar in two rows with seven seats in each row, was also a tradition of the British courts. Therefore, this could be the reason as to why court hall 1 has been maintained as the chief justice's court. Along with this, it is one of the only two courts that has a judge's chamber attached to the court making it appropriate for the use of the chief justice. Court hall 5 also has the same dimensions as court hall 1 but has no attached judge's chamber. In terms of size, court hall 2 is larger than court hall 1, but court hall 1 remains to be the chief justice's court.

The interior of the chief justice's court hall is well decorated (see Image 77). A police check has been placed at the door where sometimes they check what is in your bag and most of the times instruct lawyers, litigants and visitors to switch off their cellular phone. One is made to walk through a security scan machine placed outside the entrance. There were an average of twelve police officers in and around the chief justice's court at any given point of time. The staff of the chief justice would stand

---

<sup>145</sup> The Constitutional Court of South Africa has also been built with an open and inviting entrance to portray the message that the court is open to all (see Chapter 2).

outside the entrance and keep saying “silence” to passer-by’s and lawyers and/or litigants who were waiting in the corridors. Inside the court hall, the chief justice sat on a division bench and therefore there was one accompanying judge on the dais along with the chief justice. The dais was elevated and at the back end of the room. Behind the judge’s dais was a huge arch with carved wooden panels and stain glass work (see Image 78). The wooden panel behind the dais doubles as a swinging door behind which is a library that can be accessed by the judges.<sup>146</sup> In front of the dais is the space for the staff of the judges to sit with their computers. Ahead of that are shelves of books. Within a barricaded part is the section for lawyers. Behind that is the space for litigants and the general public. The court is equipped with mics and speakers along with an electronic board displaying the case status for all court halls. The wall to the opposite end of the judge’s bench has a huge portrait of Sir Thomas Strange who was the Chief Justice of the former Supreme Court of Judicature at Fort St. George, Madras from 1801 to 1817 (Rajah 2012). The floor of the court hall is covered with a red carpet and the ceiling is well decorated with artwork (see Image 79).

The stain glass work on the wooden panel behind the judge’s dais has etchings of owls and elephants amidst the geometric patterns (see Image 80). Two panels have a set of two owls each and the centre panel has a set of two elephants. It is believed that the two owls represent the idea that justice is blind to the parties that appear in the court in an indication of the equality and unbiased practice of justice. The two elephants are a depiction of the strength of the judiciary.<sup>147</sup> Therefore, a symbolic meaning has been attached to this artisanal work that forms a part of the judicial iconography of the Madras High Court. These different visual images create different motifs that classify the abstract notions and imbue them with hidden and unseen meanings (Panofsky 1982, Preziosi 2009).

Court hall 2 is the other court that has a judge’s chamber attached to it. It is larger in size than the chief justice’s court hall and is often referred to as the “Canopy Court”.

---

<sup>146</sup> As narrated by Mr. N.L. Rajah during the guided heritage walking tour of the Madras High Court on Sunday, 1 November 2015.

<sup>147</sup> These two explanations are as narrated by Mr. N.L. Rajah during the guided heritage walking tour of the Madras High Court on Sunday, 1 November 2015. There are alternative explanations for these symbols. Justice T.S. Sivagnanam believes that the owls, who are vigilant and sharp, represent the advocates appearing for the parties and the elephants represent the chief justice and one puisne judge who together form the division bench (Souvenir Committee, High Court, Madras 2012).



This is because there is a large brownish-red colour cloth that arches over and covers the judges' dais providing a kind of roof like shelter over the judges' bench. Mani writes that this 'innovative arrangement' was made in this court, 'to modulate the air flow from the eastern side to make the submissions at the Bar audible to the Bench' (2012:248). This court is unique for this distinct adaptive feature so as to facilitate better audibility in the court. During my fieldwork when I attended sessions in court hall 2, I did notice that there were mics and speakers in the court hall. While the judges were using the mics and were clearly audible, most of the lawyers were also audible even without using the existing mics.

Under the high court's criminal jurisdiction there was a specific courtroom assigned as the criminal court. In the Madras High Court this was court hall 4 and remnants of the criminal court are still seen in this courtroom space. Towards the entrance of court hall 4, at the part of the court hall where the lawyers stand and at the start of the oval table, there is a huge wooden covering seen on the floor of the court hall. This wooden covering opens to a spiral staircase below. The spiral staircase used to lead to a chamber where the accused would be kept. When required, the accused would be brought up to the court hall through this spiral staircase. Today this chamber, which used to house the accused, has been converted into an office space and is the Vigilance Cell of the Madras High Court. During my fieldwork, I had the opportunity to enter this space and see the spiral staircase that is still intact. There is also a metal gate covering that still exists. The presence of these remnants of the criminal trial in the high court premises creates a link between law and how it works towards memorialising certain aspects of its history in a visual form. The courtroom becomes a museum with the presence of these artefacts. When I asked judges, lawyers and court staff in the Madras High Court if they had any memory of the jury trial in India, several persons recollected this courtroom. While almost no one I spoke to had participated in or seen a trial by jury within the high court premises, they somehow remembered the erstwhile criminal trial courtroom when they thought about jury trials. The practice of jury trial was abolished in 1973, however a memory of it still lurks in the court.<sup>148</sup> The memory seeks to remind people of what procedure the present holds and thus affects the collective memory of the persons inside the court. Sarat and Kearns talk about the role of a collective memory and ask the

---

<sup>148</sup> For details on jury trial in India see Chapter 3.

important question of 'how and where law remembers as well as how and where it helps us remember' (2002:12). Law remembers through its controlled spaces and helps us remember through the visual. A similar relationship between law, history and memory in the criminal courtrooms of the presidency towns is seen in the Bombay High Court and the Calcutta High Court (see Chapter 3).<sup>149</sup>

The other interesting set of court halls are court halls 8, 9, 10 and 11. They form a part of the quadrangle on the first floor of the high court as mentioned above (see Image 72). The four court halls are similar in design to each other. They are rectangular shaped courts with high ceilings. The court halls have stain glass work in arches on the back wall of the court halls. Some of the art work panelling has been removed to accommodate the air-conditioning ducts that now form part of all court halls and several corridors of the court. These four court halls also have a glass panel as part of the flooring in the centre-back portion of the room. They appeared to be glass panel doors. While I did ask several people if they knew the purpose of this opening in the flooring of all these four court halls, most were unaware. Some people suggested that it could have been used to take prisoners from below and bring them up to the court hall; while another story noted that they were portions provided for entry of light for the Record Room that was located below these court halls. It was believed that earlier when the court halls doors would remain open (before the air-conditioning unit was installed) then light would enter the Record Room through the courts from above. However, the purpose of the panelling on the floor remains unclear.

The daily routine followed in a standard court hall procedure in the Madras High Court begins with the judges entering the court hall. They fold their hands for a *vanakkam*<sup>150</sup> and then seat themselves. Lawyers do not bow when entering and exiting the court but some of them do fold their hands towards the judges. All persons in court stand up when the judges enter and seat themselves. The judges are seated on a bench that is elevated and at a significant distance from the lawyers, litigants and other people in court. In front of the judges' bench is the space for the secretary and personal assistant with their computers. Ahead of that is a shelf and stack of books. Ahead of that is a horse-shoe

---

<sup>149</sup> For a detailed account on law, history and memorialisation see Chapter 3.

<sup>150</sup> The Tamil word for welcoming someone; equivalent to a *namaste*.

shaped oval wooden table which is the space for the lawyers (see Image 81). Behind this, after a barricade,<sup>151</sup> is the space for litigants and the general public. The old court halls have high ceilings with long fans and lights hanging from above. The main language used in the high court is English but there is often communication that oscillates between Tamil and English. Signage in and around the Madras High Court is very clear and well-marked out. There are signs that say cellular phones are prohibited and are placed across the court (see Image 82). All the court halls are equipped with a mic system for judges and for lawyers to use. This is the basic layout of the court halls, and standard procedure of daily court rituals, in the Madras High Court.

### 3.3 MAPPING THE MADRAS HIGH COURT COMPLEX

The Madras High Court is situated within a large compound area. It therefore has formed a complex of its own that comprises several buildings, the main being the court itself. A former puisne judge of the high court, Sir S. Burn<sup>152</sup> reminisces about the presence of a tennis court in the high court compound.<sup>153</sup> On the occasion of the centenary celebrations of the Madras High Court in 1962 he writes hoping that the tennis courts were still in use as, ‘I had many good games there. It was a treat to discard Robes and retire without waiting, to the court below’ (The Editorial Committee 1962:102). However, there are no traces of this tennis court anymore. Other than the main high court building, there is a High Court Annex Building which was inaugurated in 1992 and has court halls 30 to 39. Attached to this building is a medical dispensary. There is an Old Law Chambers building along with an Additional Law Chambers building. This additional building has the Women Lawyers Association with an attached crèche for children. The Madras High Court Advocates Association along with an auditorium for the use of the court is also situated in the same complex. The compound also has the City Civil Courts, Family Courts, Labour Courts, Central Administrative Tribunal (CAT), Central Bureau of Investigation (CBI) Courts, the Small Causes Court and the office of the Administrator General and Official Trustee and Official Assignee. Other offices include a railway reservation counter, a police control room and a High Court Records and Tamil Translation block. There is a High

<sup>151</sup> The barricade is present in some court halls.

<sup>152</sup> Puisne Judge of the Madras High Court from 1934 to 1942.

<sup>153</sup> Today, in several high courts judges have their own cricket teams, creating a remnant of sports and judging even now.

Court Post Office, a fire station, a dedicated bank, an information centre and a Public Works Department (PWD) Office. There is a separate Advocates Canteen Building along with a Pay-and-Use Toilet facility within the compound area. The Madras High Court Museum, The Tamil Nadu Mediation, Arbitration and Conciliation Centre (TNMACC), Madras Bar Association and Press Reporters Room are all located inside the main high court building (see Image 83). At the west end of the high court compound is the Madras Law College<sup>154</sup> which completes a set of judicial institutions present in this space (see Image 84).

At the north-west end of the compound is a Muslim prayer hall, located in the high court complex near the PWD office (see Image 85). It was started in 2005 at the request of the staff and with the support of some judges. There are separate rooms for women and men and, the space is accessible to all Muslim lawyers and staff. Among the three high courts of Bombay, Madras and Calcutta, only the Madras High Court has a Muslim prayer. The Madras High Court also has a Women Lawyers Association (WLA) which houses a crèche for children (see Image 86). Therefore, lawyers can keep their young children in the crèche while they attend to work in the courts. The presence of this facility is unique to the Madras High Court when compared to the Bombay High Court and Calcutta High Court.

Compared to the Bombay High Court and the Calcutta High Court, the Madras High Court complex is unique, as it is the only such complex comprising of all these courts and various other offices, in the same space. In most cases this arrangement was considered to be extremely practical by several practitioners as all courts are easily accessible allowing for better movement of lawyers and other court staff between courts. Further, the offices of the railways, post and a bank are also useful for daily practical purposes. However, several persons I spoke to during my interviews were of the opinion that the Madras High Court should be exclusive owing to its hierarchical position in the judicial system and therefore it should be the only court in the complex. This argument strikes at the core of the idea of how the court images itself – as a space that is so majestic and dignified that it should exist in its own sphere and realm. Several

---

<sup>154</sup> Now renamed as the Dr. Ambedkar Government Law College. This building, that is a part of the high court complex, was completed in 1899.

court actors agreed with the notion that the high court being superior to the other courts, it must maintain an exclusivity. The aspect of practicality in terms of mobility between the lower courts and the high court was not considered as important as the maintenance of the judicial aura around a particular court building. This forms a particular aspect of the judicial iconography of courts where the idea of exclusivity fuels the concept of maintaining the majesty of the court.

### 3.4 THE LIGHTHOUSES

One of the most important and unique features of the high court is the presence of the two lighthouses: one in the Madras High Court complex, and the other on the main building of the court. Both these lighthouses were used by the port city of Madras at different times. Almost every person I spoke to during my fieldwork mentioned the presence and significance of these lighthouses. They thus form an integral part of the Madras High Court structure and are an important source of iconography for the high court complex.

The city of Madras has had four lighthouses altogether. The first lighthouse was installed in 1796 on the terrace of the Officers' Mess and Exchange<sup>155</sup> which was a part of the Fort St. George precinct (Raman 2016). This lighthouse was a simple construction created by placing a large lantern with oil-wick lamps<sup>156</sup> as part of a wooden building on the terrace (Raman 2016, Shanmugasundaram 2008). The height of this lighthouse was at ninety-nine feet above sea-level and the beam of the light went as far as twenty-five miles (Muthiah 2015, Raman 2016). The lighthouse in this form was operational till 1841 (Raman 2016).

The second lighthouse constructed for the city of Madras was placed in the area called as The Esplanade. Later, when the high court was commissioned, this area was incorporated into the Madras High Court complex. Therefore, this lighthouse was part of the complex from before the building of the court itself (Sudharkar, Sundresh and Prakash 2015). It was designed by John Thomas Smith of Royal Engineers and work on its construction began in 1838 and was completed in 1840 (Bhanti 2003, Raman

---

<sup>155</sup> This building is now the Fort Museum (Bhanti 2003).

<sup>156</sup> The lighthouse lamps were lit using coconut oil (Raman 2016).

2016). This lighthouse, made of stone, is commonly referred to as the Doric column lighthouse due to its architectural style and pillared structure (see Image 87) (Raman 2016, Shanmugasundaram 2008). The lighthouse stands at one hundred and twenty-five feet in height and has an interesting history with respect to the light that was emanated from the top of the column (Bhanti 2003, Raman 2016). Smith had created a light apparatus specifically for the lighthouse but its delivery was delayed. Due to this, once the lighthouse was ready, the oil-wick lamp from the first lighthouse was placed atop this column temporarily. The new lantern was ready in late 1843, and when it became available, the government of Madras made an official announcement regarding its unique reciprocating motion and a description of the light flashing special apparatus (Raman 2016).<sup>157</sup> The new light apparatus began functioning on 1 January 1844 and this marks the date from when the lighthouse was considered to be fully operational (Raman 2016). The inscription, which is still visible, at the base of the lighthouse reads as ‘1838-44’, indicating the dates of commencement and completion of the construction of the lighthouse (see Image 88).<sup>158</sup>

In 1894, the government decided that they needed a lighthouse taller than the existing Doric column lighthouse. Therefore, a third lighthouse was installed in the city of Madras. This lighthouse, the second lighthouse associated with the Madras High Court, was incorporated as a part of the existing high court building itself (see Image 89) (Bhanti 2003). At the time of the court’s construction, there was no proposal to install a lighthouse as part of its structure. In 1892, when the new high court building had been constructed behind the existing Doric column lighthouse, its location made it difficult for mariners to identify the lighthouse tower from the sea because the dome of the high court building was taller than the Doric column lighthouse (Prasad 2014). Due to these complaints, the lantern of the lighthouse was shifted and placed on top of the main dome of the high court building which was represented as the tallest minaret of the court (Muthiah 2015).

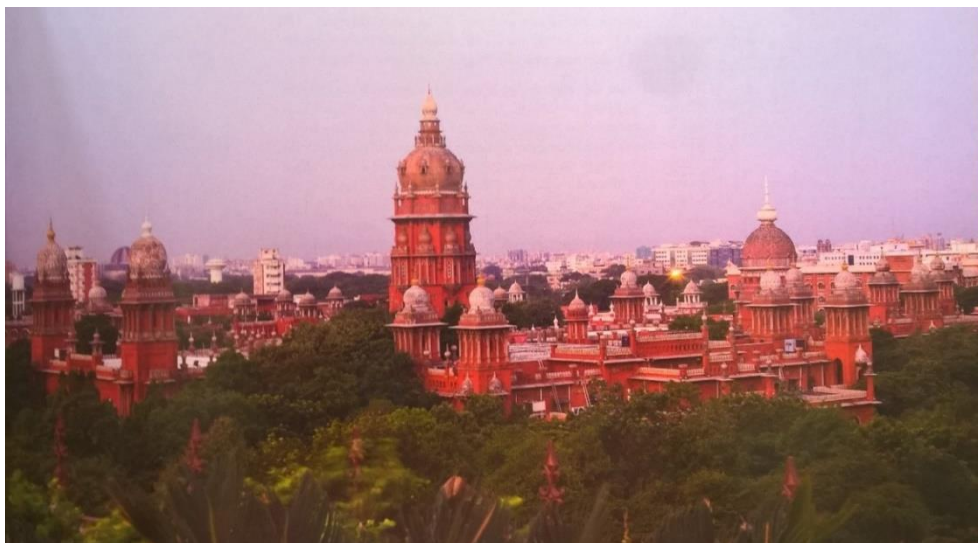
---

<sup>157</sup> See Anantanarayanan Raman (2016) for a detailed description of the lantern and of the specific functioning of the light apparatus for this lighthouse.

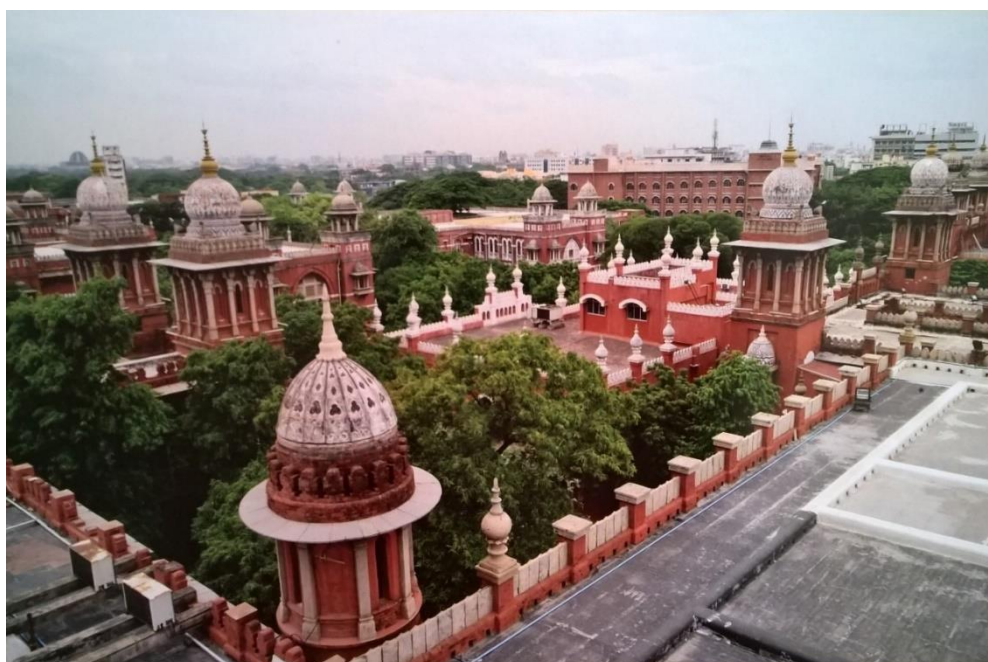
<sup>158</sup> Raman (2016) writes that as it stands today, the lighthouse no longer houses the reciprocating motion lantern and the top part of the column remains vacant. It is unclear whether the lantern was moved to the new lighthouse or if it was dismantled.



**Image 66:** Plaque on the Compound Wall, Madras High Court  
*Source: Yadav (2013)*



**Image 67:** The Madras High Court  
*Source: Rajah (2012)*

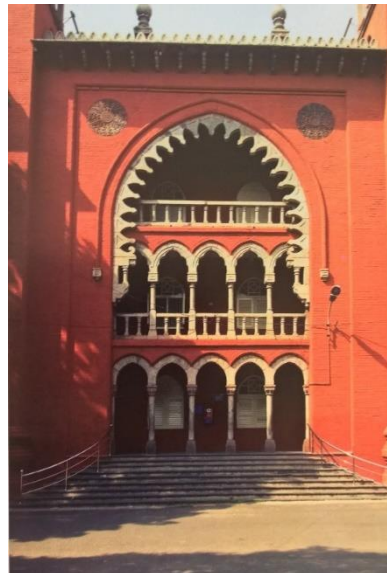


**Image 68:** Domes on the Madras High Court Building  
*Source: Souvenir Committee, High Court, Madras (2012)*

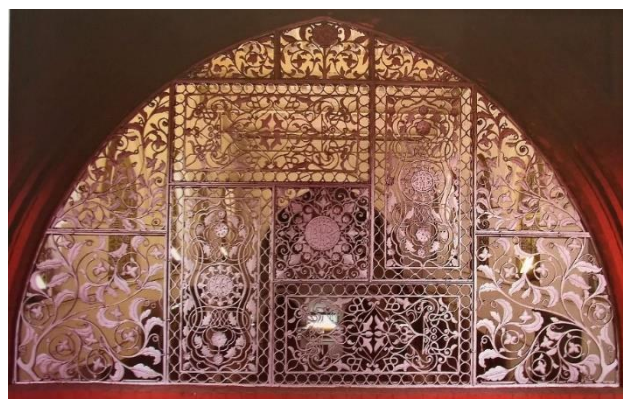




**Image 69:** Exterior View, Madras High Court  
*Source: Rahela Khorakiwala*



**Image 70:** Arches, Madras High Court  
*Source: Rajah (2012)*



**Image 71:** Artisanal Work, Madras High Court  
*Source: Rajah (2012)*

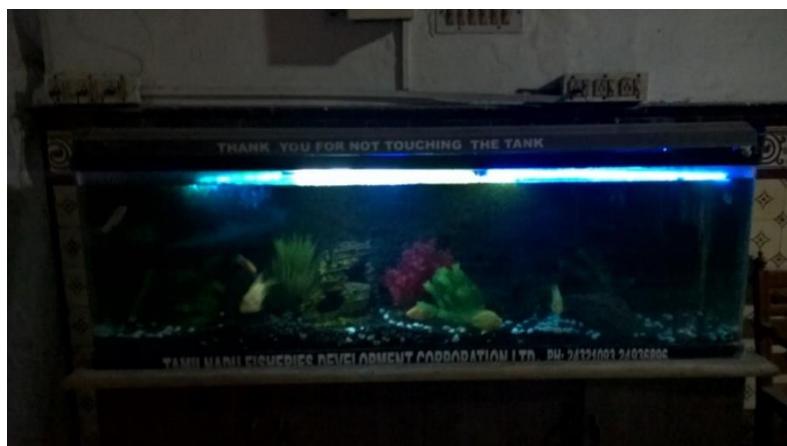




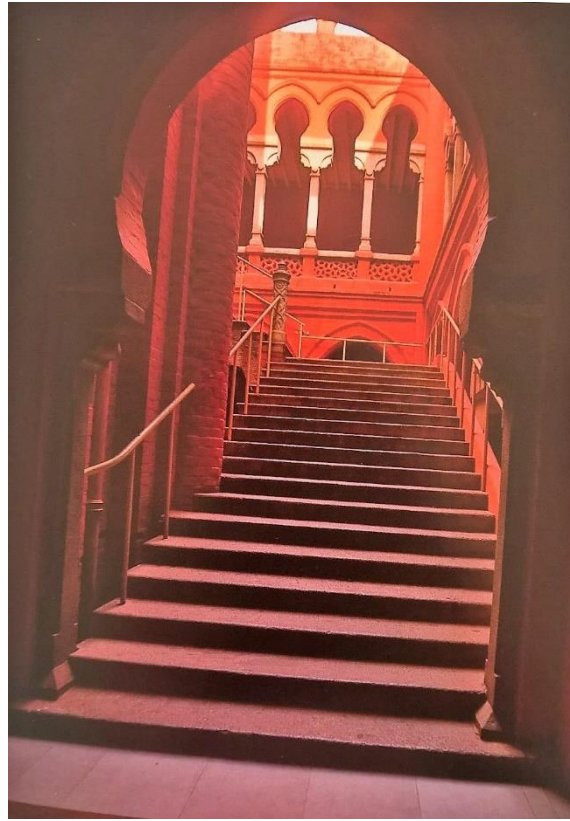
**Image 72: The Octagonal Lobby**  
*Source: Souvenir Committee, High Court, Madras (2012)*



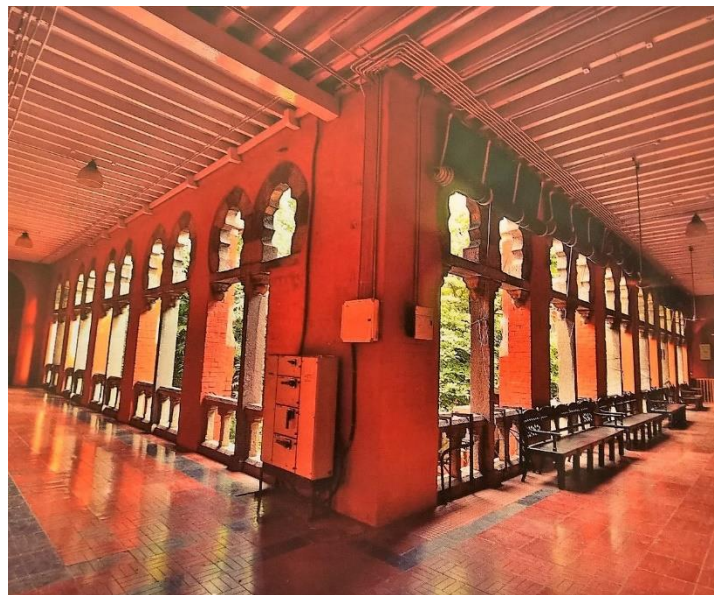
**Image 73: Dome above the Octagonal Lobby**  
*Source: Souvenir Committee, High Court, Madras (2012)*



**Image 74: Fish Tank on the First Floor**  
*Source: Rahela Khorakiwala*

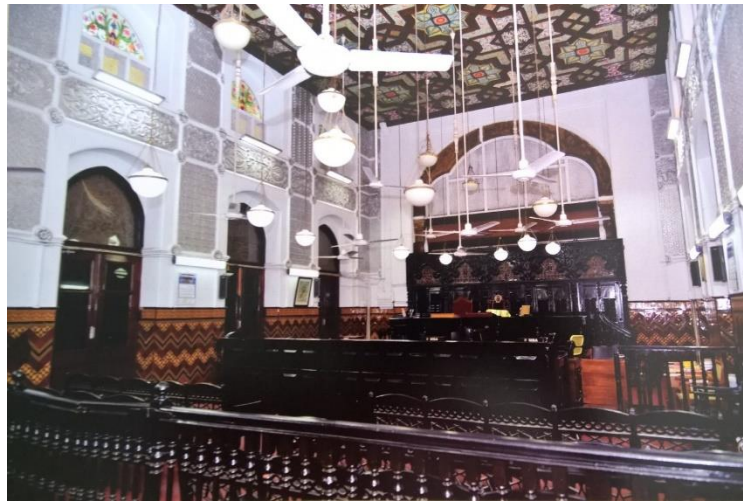


**Image 75:** Staircase inside the Madras High Court  
*Source: Rajah (2012)*



**Image 76:** Long Covered Verandas with Colonnades  
*Source: Rajah (2012)*





**Image 77: Chief Justice's Court Hall**  
*Source: Souvenir Committee, High Court, Madras (2012)*



**Image 78: Carved Wooden Panels and Stain Glass Work, Chief Justice's Court Hall**  
*Source: Souvenir Committee, High Court, Madras (2012)*



**Image 79: Ceiling, Chief Justice's Court Hall**  
*Source: Rahela Khorakiwala*



**Image 80: Stain Glass Work: Owls and Elephants**  
*Source: Souvenir Committee, High Court, Madras (2012)*



**Image 81:** Sample Court Hall, Madras High Court  
*Source: Rajah (2012)*



**Image 82:** Sign outside a Court Hall  
*Source: Rahela Khorakiwala*



**Image 83:** Map of the Madras High Court Complex  
*Source: Rahela Khorakiwala*





**Image 84:** The Madras Law College  
*Source: Rahela Khorakiwala*



**Image 85:** Muslim Prayer Hall  
*Source: Rahela Khorakiwala*



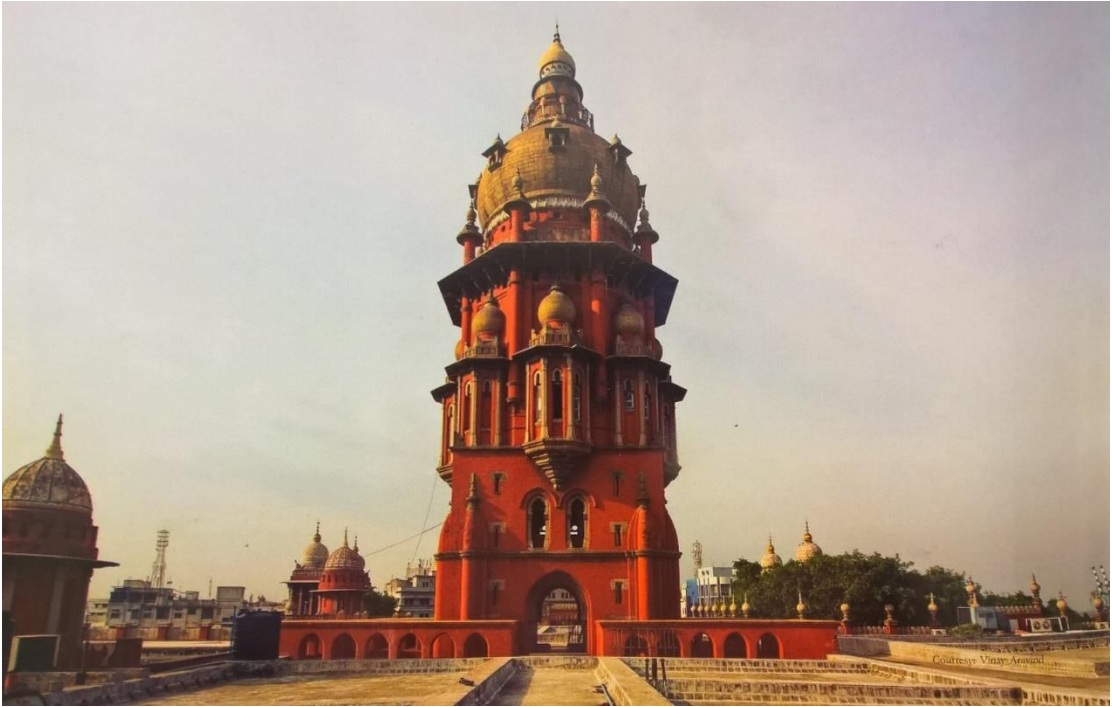
**Image 86:** Plaque outside the Creche  
*Source: Rahela Khorakiwala*



**Image 87:** The Doric Column Lighthouse  
*Source: Souvenir Committee, High Court, Madras (2012)*



**Image 88:** The Base of the Doric Column Lighthouse  
*Source: Rahela Khorakiwala*



**Image 89: The Lighthouse**  
*Source: Rajah (2012)*



**Image 90: The Lighthouse at Marina Beach**  
*Source: Raja (2013)*





**Image 91:** Corridors with Portraits and Paintings  
*Source: Souvenir Committee, High Court, Madras (2012)*



**Image 92:** Painting of Justice Rao with the Maiden Assize Gloves  
*Source: Rahela Khorakiwala*

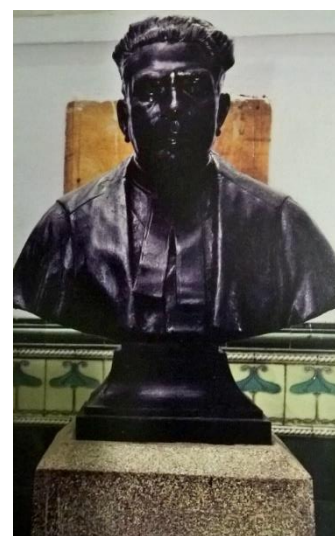




**Image 93:** Statue of Justice Iyer  
*Source: Rahela Khorakiwala*



**Image 94:** Statue of Justice Iyengar  
*Source: Rahela Khorakiwala*



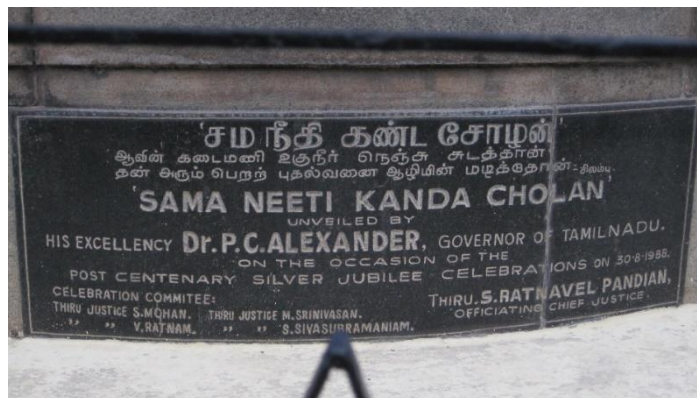
**Image 95:** Bust of Justice Rajamannar  
*Source: Souvenir Committee, High Court, Madras (2012)*



**Image 96:** Statue of Manuneechi Cholan in the Madras High Court Compound  
 Source: *Rahela Khorakiwala*

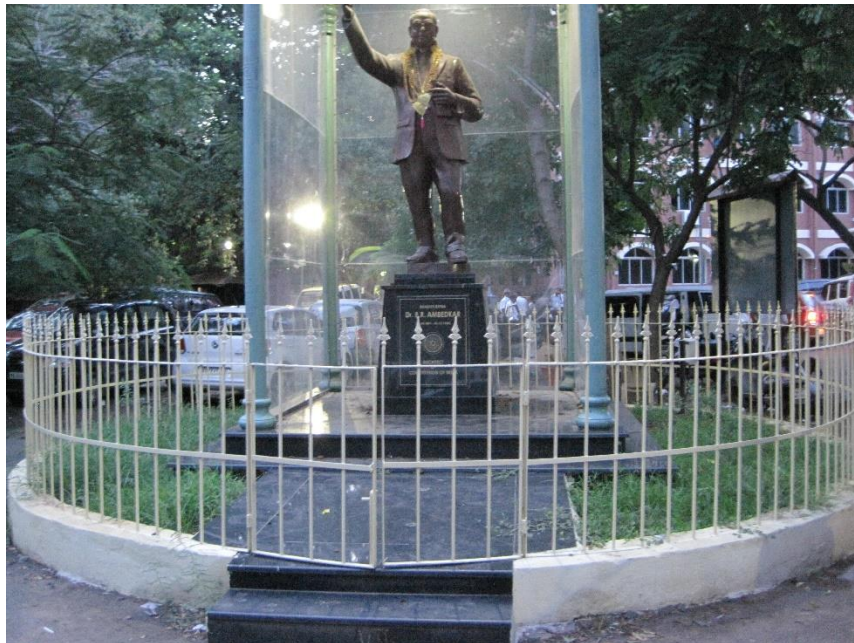


**Image 97:** Painting on a Compound Wall, District Court of Tamil Nadu  
 Source: *Balaganessin (2012)*



**Image 98:** Plaque at the Base of the Statue of Manuneechi Cholan  
 Source: *Rahela Khorakiwala*





**Image 99:** Statue of Dr. Ambedkar in the Madras High Court Compound  
*Source: Rahela Khorakiwala*



**Image 100:** Statue of Manu in the Lawns of the Rajasthan High Court, Jaipur Bench  
*Source: Kumar (1995)*



**Image 101:** The Bell of the Madras High Court  
*Source: Rahela Khorakiwala*



**Image 102:** The Seal of the Madras High Court  
*Source: Madras High Court Calendar (2015)*

The lighthouse in this form is around one hundred and seventy-five feet high and approximately six floors taller than the third floor terrace of the high court (Murali 2012). Since the lighthouse was not part of the initial structure of the high court building, certain adjustments had to be made to install the lantern in the dome. The dome had to be, 'cut open by removing several stones, and a spiral staircase was provided to enter the lantern room erected over the dome' (Prasad 2014). When it began functioning on 1 June 1894 it was the tallest vantage point for the city (Bhanti 2003). A kerosene fire could be seen till a faraway distance from this lighthouse (Murali 2012). In 1927, the lighting equipment was replaced with a new and improvised version (Bhanti 2003). Owing to its importance to the port city of Madras, the copper cupola was gold plated (Prasad 2014). This dome therefore became an attraction for the public, and people were allowed to go to the top of the lighthouse and witness the panoramic views of the city for a fee. Therefore, a lot of people, including students, would visit the Madras High Court. A Judge narrated a story about the visitors to the lighthouse. The Judge said that there were several non-literate visitors who would come from small villages to climb up the lighthouse. The staff would show these visitors the judge's elevator shaft and the dangling wire rope, and narrate a story – despite its inaccuracy – of how this was where convicts were hanged. When the large number of crowds became unmanageable the Presidency Port Officers notified the government and requested for a restriction on the entry permissions for the lighthouse. After this decision was taken in August 1895, a procedure to obtain a pass to see the lighthouse was put into place (Prasad 2014). In 1967, the government decided to paint all lighthouse domes, including the lighthouse dome of the Madras High Court, in orange (Directorate General of Lighthouses and Lightships 2011, Prasad 2014). Once this lighthouse was closed, the public visits to the dome were also not permitted.

In 1977, this lighthouse also became non-functional and the lighthouse of the city of Madras was shifted to Marina Beach where it stands today (Masilamani 2012). The new lighthouse, the fourth for the city, started functioning on 10 January 1977 and was equipped with electrical lighting facilities (see Image 90). It was manufactured by a French company and installed on the coastal front of the city at a height of approximately one hundred and eighty-seven feet (Bhanti 2003).

With the presence of a lighthouse within the Madras High Court building several analogies have been made. During my fieldwork I did not encounter any statue of the lady of justice, in any form, on the court premises. None of the court personnel that I interviewed had seen an image of justice or heard of anything similar existing within or around the Madras High Court building. Most respondents said that they had not seen any structure in the visual stereotype sense of a lady with scales and a blindfold. One judge that I interviewed mentioned that the reason for no statue of lady justice in the European form existing in the court is because this high court was built in the indo-saracenic architectural style while the Bombay High Court and Calcutta High Court were built in a neo-gothic style so it had the influence of the Roman depiction of justice. His explanation was that since this court was built in an Indian architectural style there is no display of the Roman conceptualisation of Justitia. While there was uncertainty on the history of a figure of justice in the court premises, there was one construction that every person was well aware of which is the edifice of the lighthouse.

Therefore, a unique visual culture has developed in the Madras High Court drawing a parallel between the lighthouse and the concept of the light of justice. On the occasion of Law Day in 2007 the Madras High Court released a Report in which they captioned the picture of the lighthouse with the following words, 'Light House – now not for sailors at sea but for the sea of men and women seeking for the light of justice' (2007:111). Another Annual Report for 2011 – 2014 writes, 'Though the Light House has become dysfunctional now, yet the High Court continues to serve as a beacon of light for those in quest of justice' (2015:64). They further compare the Madras High Court official website to be a 'legal light house' where information is available at the click of a button (2015:64). Therefore, the existence of the lighthouse has attached a particular symbolism to the Madras High Court building and has over the years become an expression of a particular form of justice that is expected from the high court that it towers over. Justice Sudhakar, who heads the Heritage Committee of the high court, remarks that, 'the lighthouses, though not functional, are still the beacons of justice and this institution will never fail in its duty to live up to the peoples' mandate enshrined in the preamble to the Constitution' (Deccan Chronicle 2016). The lighthouse is thus viewed in this form within the high court and it has become a motif and symbol of justice for the high court – its very own statue of justice. Based on the transmission of a message through a sign peculiar to the law, the lighthouse is seen as a structure that

plays the same role as that of a beacon of justice (Kevelson 1987). It thus offers a new interpretation of an icon of justice in a manner that might not have been purported at the time of its inception or been analysed in a semiotic form till date. The lighthouse that stands tall atop the Madras High Court building therefore plays the role of one form of an idea of justice for this court. In this format, it exerts a new found control which is sometimes seen through the way its presence is utilised.

However, not all allusions to the lighthouse are perceived positively. Justice Chandru (n.d.) writes an article entitled ‘A Blot To A Lighthouse’ in reference to the corrupt practices involved in the elections to the bar associations of the high court. He asks, ‘The hundred year light house in the High Court building escaped the bombing of the Emden ship. Can we avoid the damages being caused today by the blots being caused by the sons and daughters of Emden?’ (Chandru n.d.). The reference to Emden relates to the bombing by the German ship in World War I, from which some shells struck the compound wall of the high court and damaged it, as mentioned earlier in this chapter. Whether to highlight the idea of the lighthouse as a beacon of justice or to use the lighthouse as a metaphor for present day injustices, the lighthouse is always referred to by the court and persons associated with the court. Its importance to the building and the retelling of its significance therefore form significant iconological references for the Madras High Court.

### **3.5 PORTRAITS IN THE MADRAS HIGH COURT: JUSTICE IN THE FRAME**

Another important aspect of judicial iconography within the court is the presence of statues and portraits that adorn the compounds and corridors of a court respectively. Portraits are often large and hung on the walls of the court in a manner where they look down upon the people who walk past it (Goodrich 1990). As Leslie Moran (2014) writes, portraits of judges and/or members of the profession represent two subjects – first is the person in the portrait and the second is the institutional subject. By placing justice in the frame, ‘the individual’s image is fabricated according to the abstract ideas, values and virtues associated with the institution and the collective’ (Moran 2014:3). Therefore, the creation and placement of portraits in courts of law is distinctly linked to the visual narrative that the legal institution chooses to set out for itself. This ocular allows for the institution to dauntingly display its pride, prestige and values making them clearly visible and notionally accessible.

The Madras High Courts corridors are adorned with huge portraits and paintings, all of which are of former judges of the high court except a portrait of Eardley Norton, who was an advocate in the Madras High Court (see Image 91). Other than the chief justice's court hall, where there is a painting of Thomas Strange, no other court hall has huge paintings.<sup>159</sup>

An important frame that is placed in the corridor near court hall 2 is the painting of Justice Sir K.P. Lakshmana Rao (see Image 92). This painting depicts the judge in a seated position with a pair of white gloves in his hand. This image relates to the practice of a maiden assize that was prevalent in the high courts under their criminal jurisdiction. The maiden assize was a ceremony conducted in the sessions court room of the high court. The ceremony involved the presentation of a pair of white gloves to the judge presiding over that criminal court by the sheriff of the city. A maiden assize occurs when a judge is expected to preside over a criminal session of the high court but there are no prisoners in the dock indicating that there are no criminal matters to be heard that day. Earlier, a maiden assize occurred when no prisoner was given the death sentence; but it later came to mean when there was no prisoner on trial (Chowdhury 1962). Once the judge, accompanied by the sheriff and other attendants would enter the court and be seated, the clerk of the court would hand over a white calendar which represented a blank cause list to the judge and the advocate present would state that there is no matter to be tried. This account of a maiden assize has been taken from the description of the ceremony that occurred in the Calcutta High Court on 2 April 1962 as recounted in the journal *Calcutta Weekly Notes* (Chaudhuri 1962).<sup>160</sup> The Sheriff is cited to have remarked that this ceremony, 'is symbolic of a sense of relief and satisfaction at the clean and unstained Court calendar with which an assize judge is faced and a complete absence of a squalid criminal trial which may ultimately have ended in a grim sentence of death' (Chaudhuri 1962:71). The presiding judge noted that, 'white gloves were symbolic – whiteness represented peace and tranquility in the State and indicated that there had been no triable crime in society' (Chaudhuri 1962:71).

---

<sup>159</sup> As of 6 October 2015.

<sup>160</sup> Mukherji (1962) noted that this was the first time this ceremony was occurring in the Calcutta High Court; and this extends to the high court in its earlier forms also. Therefore, from when the Supreme Court of Calcutta existed in 1774 till the occurrence of this ceremony in 1962, the Calcutta High Court jurisdiction had not seen a maiden assize (Mukherji 1962).



With changes in the criminal jurisdiction of the high courts in India, and the abolishing of the office of the sheriff in most cities, this practice was abandoned, even though death penalty remained on the books.<sup>161</sup>

Justice P.B. Mukherji (1962), who presided over the maiden assize of the Calcutta High Court, notes the relevance of the gloves to the ceremony. Mukherji states that gloves were prominently associated with different customs prevalent in European societies; however, those customs were not associated with ‘peaceful’ procedures (1962:143). In the courts of law, the white gloves in this ceremony symbolically represented peace and tranquility in the state (Mukherji 1962). Mukherji writes that, ‘When you wear Gloves it means that you do not do any work’, thereby indicating that when the judge is presented with gloves then they have to do no work in the criminal sessions (1962:144). In general, judges were prohibited from wearing gloves while presiding over court, a practice Mukherji (1962) associates with an old British custom.

The specific wearing of white gloves provides for further iconological symbolism to this ceremony. James Epstein describes how a judge, ‘donned a black cap before pronouncing the sentence of death or slipped on white gloves to signal a “maiden” assize session at which there had been no capital sentences’ (2003:86-87). The idea of black and white relates to, ‘the powers of light and darkness’ (Hay n.d.:111). In explaining the maiden assize ceremony in relation to the white gloves, the noting by Project Gutenberg of the Spanish proverb, ‘white hands never offend’ embodies this very idea (1849:26). Therefore, the symbolism of the ceremony and its presence through the memory of the court, in this case in the form of the portrait, narrates the ideals of the institution and its association with the display of the varied descriptions of justice.

### **3.6 FROM A PORTRAIT TO A STATUE: STATUES IN THE MADRAS HIGH COURT**

While looking at the iconography of the portrayal of justice through different personalities that define the meaning of justice for certain court spaces, the installation of statues is also important.<sup>162</sup> As Moran (2014) argues, the installation of portraits or

---

<sup>161</sup> The image of a judge holding the white gloves is the only image rendition of this ceremony that I saw during my fieldwork.

<sup>162</sup> Barbara Groseclose (1995) writes about the importance and relevance of sculptures during the East Indian Company dominion period of the British Raj. Her research work is dated for sculptures installed in India until 1858.

statues in court premises offer the opening of hidden meaning and experiences of the person in the statue and of the location of its installation. The creation and installation of statues details a biography of the person of whom the statue is made and the history of the personality in relation to the space where it stands (Moran 2014).

The installation of statues is thus important to the memory of the court space and this was seen clearly in the case of the Madras High Court where the presence and acceptance of statues was a heavily debated issue. There are two statues of people that have been installed inside the Madras High Court Building and one in the compound outside. The statues inside the high court are of Justice Iyer and Justice Rajamannar. The statue in the compound of the high court, near the entrance is of Justice Iyengar. Additional statues have been added in the high court complex compound over time. The statues placed in and around the Madras High Court building were shrouded with controversies, as I was told that strong opposition to venerating humans through the stone statues was seen as objectionable at the time.<sup>163</sup>

I turn to the statue of Justice Iyer as a resource to read the contestations within the legal profession during the late colonial period. Sir Tiruvarur Muttuswami Iyer was the first Indian to be elevated as a judge of the Madras High Court, an office he held from 1878 till his death in 1895 (The Publishers 1932). When Justice Iyer passed away there was a proposal to erect a statue in his honour within the court premises. This led to several protests as people felt the concept of installing statues was European in nature and did not exist as a part of the India culture since neither the Hindus nor Muslims identified with the practice (Rajah 2012, Sriram 2012). For Indians, it was an idea that was ‘unusual and indeed, a matter of debate and controversy’ (Sriram 2012). The British judges of the high court, led by the chief justice at that time, Justice Arthur Collins, disregarded these objections and sanctioned the installation of a statue of Justice Iyer, resulting in Madras High Court’s first statue in 1898 (Chandru 2011, High Court, Madras: Law Day 2007).<sup>164</sup> This marble statue is placed on the first floor, at the

---

<sup>163</sup> One Senior Advocate explained that there were protests to the installation of statues in the Madras High Court because the concept of venerating persons through statues was alien to the religions of Hinduism and Islam. For Hindus, a statue could only be erected of God and for Muslims, there was no physical form of God and therefore statues were opposed by all.

<sup>164</sup> There was opposition to another statue in 1912. This was for the statue of Justice V. Krishnaswami Aiyar who was a judge of the Madras High Court from 1909 to 1911. After Justice Aiyar passed away in 1911, there was a public meeting held in the banqueting hall of the high court (now the Justice

crossroads near the staircase landing (see Image 93). The statue is seen seated and Justice Iyer is shown wearing a *panchakacham*.<sup>165</sup> A Senior Advocate mentioned that the sculptor of this statue was George Wade who was provided with a photograph from which he made the statue in London. The Senior Advocate pointed out how the *panchakacham* fell wrongly on the statue as the British sculptor had no idea about the details of this garment and how it looked when draped on an individual. An article in the newspaper *Madras Musings* (2012) mentions that Wade attempted to look for a person in London who was wearing a *dhoti*<sup>166</sup> on which he could model Justice Iyer's statue. However, 'he could only find a cigarette-maker in London who did so and it was in his likeness of wearing the *dhoti* that the statue was fashioned' (Madras Musings 2012). A professor of history wrote appreciating the likeness of Wade's creation when he had, 'nothing to work on except a faded photograph of the Judge and a few hints that his colleagues gave him about his appearance' (Srinivasachari 1939:277). Therefore, the draping of the *panchakacham* on the disputed statue of Justice Iyer remains a point of discussion till today.

Importantly, in the statue form, Justice Iyer is shown as not wearing any shoes. One court personnel told me that this was because the court was considered a temple and therefore one would remove their shoes before entering the holy space (Mani 2012). However, we know from Cohn (1996), when he writes about clothing and colonialism, that while the head was considered as the centre of power and knowledge, the feet were looked at in the opposite way, in an inferior manner. When Cohn did fieldwork in India he noted the Indian act of touching the feet of elder persons or superior persons which was a form of 'submission or surrender' to this higher being (1996:161). In the same vein, shoes and slippers 'were dirty' not because they were utilised to walk around but because they were the repositories of these impure substances (1996:161). However,

---

Rajamannar Hall) on 16 January 1912 where there was strong opposition to the proposal for erecting a statue in his honour. The main argument at that time was that Justice Aiyar himself was opposed to the installation of statues. However, with the strong support of another sitting judge of the high court – Justice S. Subramania Iyer, the proposal finally went through. This statue has been placed at the beach front, outside Senate House. It was deemed as an appropriate location as Justice Aiyar was a member of the University Senate and had also blocked a proposal for building a railway line on the beach, thereby saving the beach front. Interestingly, the strongest opposition to the proposal of a statue for Justice Muthuswamy Iyer had come from Justice Aiyar; an opposition that was overruled by the British judges (Gopalratnam 1962, Rajah 2012, Sriram 2012).

<sup>165</sup> The *panchakacham* is a method of wearing a *dhoti* (a garment worn by male Hindus) typical usually to the Brahmin community.

<sup>166</sup> A garment usually worn by male Hindus.

the concept of not permitting Indians to wear shoes is something that was an intrinsic part of the despotic colonial rule. Singha (2000) talks about this aspect of Indian *vakils* being made to remove their slippers in deference to their British masters. She notes that during early British rule there was a controversy as to whether Indians were allowed to wear shoes in court or not (Singha 2000). This issue continued to be debated for a long duration during colonial rule.<sup>167</sup> The process of subjugation and colonial regulation viewed Indians adopting European etiquettes as a ‘presumptuous claim to equality’ (Singha 2000:291). Therefore, there was a deeply inherent aspect of colonial control linked to the wearing and not wearing of slippers by native Indian *vakils*.<sup>168</sup>

The other statue present is that of Justice Sir Vanbakam Bhashyam Iyengar (see Image 94). It is a bronze statue in the seated position and is placed to the north of the main building in the compound near the entrance. He is dressed in a mix of clothing with the Indian turban and *panchakacham* along with wearing shoes attributed to a western style of dressing. Justice Iyengar was appointed as the first Indian Advocate General in 1897 and went on to become judge of the high court from 1901 to 1904 (The Publishers 1932). The protest for installing this statue came from the British judges who had initially refused to allow an Indian to become Advocate General, and now opposed a statue for that very man. Eventually the statue was placed in the compound in 1927 (Chandru 2011). Ironically, the British judges were compelled to walk past the statue they opposed each time they entered the court through the southern gate entrance.

The third statue is a bust of Justice Sir Pakala Venkata Rajamannar made in bronze and placed at the end of the corridor of the Justice Rajamannar Hall on the first floor of the high court building (see Image 95). As mentioned earlier, Justice Rajamannar was the first Indian chief justice of the Madras High Court and held this office for the longest term, from 1948 to 1961. This statue has been installed post-independence and there is no recorded oral history of any protest that might have occurred against its installation.

---

<sup>167</sup> Initially, Indians were not allowed to wear shoes inside the court premises. However, due to a plague epidemic, it came to be said that the plague could be transmitted through Indians who were not wearing shoes and walking around spreading the illness. The British thus granted permission for the wearing of shoes to Indians subsequently (as narrated by Mr. N.L. Rajah during the guided heritage walking tour of the Madras High Court on Sunday, 1 November 2015).

<sup>168</sup> The manner of treating natives as a lower class even manifested in the fact that Indians were not permitted to sit on chairs during court proceedings. As Singha writes, only the, ‘most respectable *might* be permitted to sit down’ (2000:292, *emphasis added*).

The presence of these statues prove to be integral to the iconographical history of the Madras High Court as several meanings of the image of justice are attached to them. While there was opposition to the image of justice through statues of people, there were also differences of opinions based on the nationality of judicial figures. The symbolic relevance of having to view these statues within the court premises was critical to the debate on protesting against their installation. While the presence of figures for the Indians and the British had a different symbolic reference to each group, the aspect of their link to judicial iconography and symbolising of a particular image of the court became relevant and formed the base of the contestations.

Apart from these statues, additional statues have come up in the Madras High Court compound. One such statue is that of the Chola king Manuneechi Chola, who is a symbol of fairness and justice in Tamil literature (see Image 96) (Balaganessin 2012). The legend of the Chola king was that he killed his son under his own chariot wheel in punishment to himself to give justice to the cow. As the story goes, the Chola king had placed a huge bell outside his courtroom for anyone seeking justice. Once a cow came and rang the bell seeking justice from the ruler as her calf had got crushed under the chariot wheel of the king. On finding out that the calf of this cow was killed under his own chariot wheel, the king gave himself a similar punishment of killing his own son (Balaganessin 2012). This scene has come to stand for fairness and justice in Tamil Nadu, the state where the Madras High Court stands.<sup>169</sup> The Chola King stands in one part of the compound of the Madras High Court that is near the judge's entrance to the main court building. This statue is a recent addition and was installed during the post centenary silver jubilee celebrations of the Madras High Court in the year 1988. The plaque at the base of the statue acknowledges the 'celebration committee' comprising of four judges of the Madras High Court, in an inscription (see Image 98). It could be surmised that this committee was in-charge of and responsible for installing this statue in the court compound.

During my fieldwork, I spoke to several judges, lawyers and court staff in the Madras High Court and asked them if they considered this statue to be their version of a statue

---

<sup>169</sup> A compound wall of a district court in Tiruchi, Tamil Nadu has a painting of this scene of justice (see Image 97) (Balaganessin 2012).

of justice for this court. The inscription on the statue suggested to me that the idea of justice as virtue was marshalled through the Chola king who stood for principles of impartiality in rendering justice. However, that was not the case as I discovered in the field. The answer to my question was in the negative from all sources and some judges, lawyers and court staff were categorical to state that the placement of this statue in the high court premises was also at fault. This was because the form of justice that the Chola king propagates is not the justice system followed by the court, and it has never been the practice of this court. Basic tenants of justice on which the court is built do not suggest reciprocal punishments. Instead the law provides for the person directly causing the death to be held responsible. In this legend, the son of the king was punished for no crime of his own. Therefore, for several people in the court, this statue was an incorrect symbol of justice and had thus been incorrectly placed. The visual field then has competing images of justice that the court identifies with. This point is important to understand how law courts offer a space to memorialise history and remember it in one form through different temporalities, signs and motifs (see Chapter 3).

In 2010, a statue of Dr. B.R. Ambedkar was installed in the Madras High Court compound (see Image 99). The Chief Minister of the state of Tamil Nadu unveiled this statue (Subramani 2010). During the course of my fieldwork several persons mentioned that the statue had been installed due to political compulsions and they did not consider it to be a part of the Madras High Court building. The expression of this view narrates a continuation of the contestations around installing of statues in the Madras High Court. While the issue of Dalit politics engulfs the Madras High Court, which is also apparent in the ongoing case of Justice C.S. Karnan,<sup>170</sup> the presence of a statue is once again amidst disputed viewpoints.<sup>171</sup> The placement of the statue in the court compound and the divergent viewpoints of persons in the Madras High Court further illustrates the

---

<sup>170</sup> Justice Karnan, formerly from the Madras High Court, has alleged that there is a caste bias in the collegium system of appointing judges in the Madras High Court where only high caste candidates are promoted. Justice Karnan also stresses on the point of being discriminated against as he is a Dalit (Janardhanan 2015, Ramasubramanian 2015).

<sup>171</sup> Statues of Dr. Ambedkar are often contested across the country and in some cases these statues are seen desecrated and insulted (for a recent account of the same see Alam 2016, Outlook 2015, Kamble 2010, Press Trust of India 2016, Sagar 2016). For the case of desecration of Dr. Ambedkar's statues in Tamil Nadu see Firstpost 2015. This newspaper article also talks about how some statues of Dr. Ambedkar had to be placed in cages due to the increased threat of desecration in Tamil Nadu.

importance of the image of law through statues as they exhibit a particular relevance to history and politics in the Madras High Court.<sup>172</sup>

These statues share a unique relationship with the Madras High Court and reflect law's iconophobia signalling the deeply equivocal relationship between law and the image it projects (Douzinas and Nead 1999). The placement of statues in the Madras High Court has been accorded an importance that has raised questions towards the way law pictures images of itself. The visual metaphor thus becomes so important in the scheme of justice that the symbolism overpowers the purpose of the law (Goodrich 1990). In this specific case, the colonial notions of law's domination also play a critical role in amplifying the contested image of the law. These statues therefore also narrate their own visual stories and imagery and join into the discussion on the different statues of justice that are seen in these three colonial high courts of India.<sup>173</sup> Mulcahy (2011) argues about this role of iconography in interpreting images of justice and Halдар writes about the law being dependent on 'aesthetic policies' while always remaining grounded in the image (1999:117). As is seen in these examples, the attitudes towards different iconographical representations are diverse and conflicting, portraying the ambivalent relationship between law and its image.

Viewing these different aspects of the Madras High Court as a whole reflects on, and semiotically associates, the various motifs and signs to the specific customs that are prevalent and practiced here. The next section focusses on these customs and their cultural linkage to the Madras High Court.

---

<sup>172</sup> The placement of a statue of Manu, the Hindu lawgiver, in the compound of the Rajasthan High Court has also faced opposition and led to several protests (see Image 100) (Kannabiran 2000). This statue is controversial for two reasons. One, that there exists no visual representation of Manu anywhere and therefore there are no specific characteristics that can be attributed to a statue of Manu in particular; and two, because it was Manu who authored the Hindu caste system that subjected persons to a sub-human level of treatment for centuries (Kannabiran 2000). The main opposition to the placing of Manu in the lawns challenges the very principles of justice that are being propounded within the interior walls of the Rajasthan High Court. If caste is supported on the outside, can any person expect justice for caste-based discrimination from the institution inside (Khorakiwala 2014)? Since January 2017, a campaign has started to remove the statue of Manu from the Rajasthan High Court premises (Thomas 2017).

<sup>173</sup> A similar protest, seen through a PIL filed in the Bombay High Court, exists against the presence of statues and portraits of British judges in the Bombay High Court (see Chapter 3).

### 3.7 HERITAGE WALKS IN THE MADRAS HIGH COURT

In this section and the next, I focus on the distinction between legal regulation of heritage, and law as heritage. I examine those elements of court architecture, designs, artefacts and practices that are constituted as heritage, showcased as exhibiting the history of the court and therefore also as constitutive of the identity of the city. The account that follows dwells on law as heritage and allows us to throw light on how certain kinds of artefacts, practices and buildings are conserved, in this case, through the heritage tours and idiosyncratic practices of the court.

An integral part of the conservation of the heritage and pride of the Madras High Court manifests through the heritage walks that are conducted of the court. The first heritage walk was inaugurated on Sunday, 1 December 2013 by two judges of the Madras High Court (Mohankumar 2013). These heritage walks were conducted in association with the high court and the Indian National Trust for Art and Cultural Heritage (INTACH), Chennai chapter. The walks are a regular feature till date and usually occur on the first Sunday of every month. During my fieldwork, I attended the heritage walk conducted by N.L. Rajah, a designated senior advocate of the Madras High Court, on Sunday, 1 November 2015.

As Rajah stated, the heritage walk has a sizeable number of attendees every month. Vidhya Mohankumar (2013) who herself attended the first heritage walk also notes that a large number of persons were interested in this initiative and attended the walk creating reason for making it a regular feature. When I attended the heritage walk, there were a large number of persons who were from outside the legal fraternity. The walk therefore afforded the opportunity to several persons not associated with the law to acquaint themselves with the history of this judicial institution.

The walk commenced at 8 am and ended at 10 am. The tour began at the base of the second lighthouse of the city of Madras (the first lighthouse in the high court complex). It continued with details of the external architecture and symbolism of the court building. Rajah also provided information on the restoration work ongoing within the



court managed by the Heritage Committee of the Madras High Court.<sup>174</sup> During the course of the walking tour photography of the exterior and interior of the high court was permitted. As Mohankumar (2013) writes, the introduction of the walk brought people closer to the high court and it was, ‘the first step towards the spirited conservation of our urban heritage – by instilling a sense of pride towards it’. When I participated in the walking tour I had a similar sense that it opened the law’s heritage to the people and created a feeling of pride for the high court. The reconstruction of the history of the high court through the heritage walking tour therefore forms one mode of conservation of the heritage of the law. In comparison, walking tours of the Bombay High Court usually happen only once a year as a part of the Kala Ghoda Arts Festival that takes place in the month of February and is situated within walking distance to the high court. I attended the walking tour conducted thus on 1 February 2014 (see Chapter 3). The Calcutta High Court did not conduct any walking tours; and even walking tours covering the history and heritage of the city stopped short at buildings beside the high court but did not extend up to the high court.

#### **SECTION 4: SPECIFIC CUSTOMS PREVALENT IN THE MADRAS HIGH COURT**

While the conservation of artefacts in a museum or the constitution of the court building as a destination of a heritage walk maps one kind of relationship between law and heritage, the conservation of tradition as “lived law” – traditions that may not have much utility but are imbued with symbolic value – maps an everyday understanding of law as heritage. The everyday experience of the inheritance of law as heritage, be this through an auditory performance such as those of ringing bells or through other kinds of ceremonial performances, is constitutive of the way law is monumentalised in specific cultural, historical and political contexts.

While the three high courts were formed under the same rules, each court has specific customs and practices that are unique to their structures and exist exclusively within those high courts. Some of these are old colonial traditions carried forward and some are influenced by the culture specific to that court. Since the three high courts, though

---

<sup>174</sup> The Heritage Committee was constituted by the Chief Justice of the Madras High Court and comprises of judges, ministers, officials, lawyers, members of INTACH, the PWD and other persons who are involved in suggesting measures to preserve and protect the heritage value of the buildings on the Madras High Court campus (High Court, Madras: Law Day 2007, Sivarajan 2016).

sanctioned at the same time, were built at different times and in cities at a distance away from each other, they are different in a number of ways. The Madras High Court displays several characteristics that are practiced only in this court and observing these customs further throws light on the relationship of law and the image and specifically the judicial iconography and semiotics that infuses these spaces. The visual imagery read with the cultural information that is influenced by the surroundings interprets the various iconographical modes and methods to reveal the influence of the ocular over the legitimising authority of the court (Panofsky 1982, Preziosi 2009).

One of the most striking images of the veneration of justice is seen in the corridors of the Madras High Court and is immediately noticeable. The Madras High Court is structured in a way that the court halls and judge's chambers have only one front entrance. Therefore, there is only one corridor that runs through the high court complex. Consequently, the common corridor is shared by judges, lawyers and litigants alike.<sup>175</sup> Due to this, a particular practice has evolved in the Madras High Court that is followed till date. When a judge has to go from their chamber to the court hall or back, they have to walk through this common corridor. So a form of procession follows. First the judges' orderly walks, followed by the assigned police officer for that judge, then the court clerk, the judge and behind him one court staff and another police officer. The first court staff that is right in front walks making the sound "shh, shh" several times to alert all people in the corridors that the judge is walking past. When this sound is heard all people stand towards the wall of the corridor and movement is stopped. The court clerk walks with the silver mace<sup>176</sup> in hand. When the judge passes, they fold their hands in a *vanakkam* position and the people lined up also fold their hands and bow. Once the judge crosses movement begins again. This happens when every judge walks past, at any given point of the day. Each judge is said to have their own unique ornamental silver mace.<sup>177</sup> The Madras High Court Museum documents the significance of the mace. On a panel describing the mace it notes that it, 'is not a mere metal covered stick or a relic of imperialism but an insignia and a symbolic

<sup>175</sup> The Bombay High Court and Calcutta High Court have separate corridors and so judges and lawyers/litigants do not use the same common corridor.

<sup>176</sup> The mace used to be placed in front of the judge's bench when the court was exercising its maritime jurisdiction. Sometimes, this tradition is still followed in a case where this extended jurisdiction is used (Mani 2012).

<sup>177</sup> One court staff mentioned to me that the mace is no longer made of pure silver.

representation of justice.’ Further, it also recognises that, ‘When this preceded the Honourable Judge, all men stand in attention and bow down their heads in reverence. The mace held high before the Judge, holds high the majesty of law.’ Therefore, this practice has a clear linkage to the majesty of the court and its processes and relates to the inherently ornate nature of the law as noted by Haldar (1999).<sup>178</sup>

During my interviews, majority of respondents believed that the practice of dividing space by using the ceremonial mace was not required and could be done away with. While one Judge had gone to the extent of stopping this practice for that Judge only, another Judge said it was required to maintain the majesty of the court. Several other judges were following it out of tradition but agreed that it was a practice that could be discontinued. A bulk of the court staff were of the opinion that it was a tradition and therefore must be carried forward as a separation between judges and lawyers, litigants and the general public is a necessity. This practice has inscribed itself in the Madras High Court. I was told that when a judge from the Madras High Court got transferred to the Punjab and Haryana High Court, he also carried with him the habitus that surrounded the mace. The story was that in his new workplace, lamentably for him, since the court had its own separate corridors there was no need to follow this practice. The judge then insisted on following this practice as in the Madras High Court and even took his mace from Madras to Chandigarh so that he could put it to use there. However, permission for the same was not granted.<sup>179</sup>

This process and tradition of the court staff holding a mace and clearing the corridors for the judge to walk past creates a particular image of justice which the court is invested in maintaining by instituting specific kinds of legal performances around these legal artefacts. The symbolism is of prime importance during such performances imbued with the capability of making people venerate the judicial process. This performative of legal procedure has become so imbibed in the court corridors that actions of folding hands and bowing become natural. These performances have the force of law and inaugurate forms of decorum that naturalise certain culturally marked practices of deference as a code of conduct, which potentially attract contempt if not

---

<sup>178</sup> For the use of the mace as a symbol of authority see Bedini (1997).

<sup>179</sup> As told to me by one court staff during an interview.

followed (Goodrich 1990). The policing of the quotidian bodies of the lawyer or the litigant through the combination of the mace, the procession and the code of conduct acts to imbue the judge with sacrality (Goodrich Douzinas 2000, Douzinas and Nead 1999).

Court folklore and traditions are built around different kinds of artefacts. The idea of maintaining colonial traditions like these and carrying them forward has been propagated since independence, which as Mukherjee (2009) rightly states, did not mark a break from the colonial past. Essentially, the Indian polity, along with the judicial systems were developing, ‘in the shadows of an ever-departing but never-departed Empire’ that accorded a legitimacy to traditions like that of ringing a bell and their continuation (Mukherjee 2009:218). While these may be understood as “useless” remnants of a colonial past, they also signify the way each courtroom constructs its own identity and history through legal artefacts.

Take the presence of a bell rung to indicate court timings in the Madras High Court. A round metal plate is placed on a wooden stand outside the Registrar General’s office on the first floor of the high court (see Image 101). This bell is hit with a wooden striker four times a day – when court opens (10.30 am), when it breaks for lunch (1.30 pm), when it resumes after lunch (2.15 pm) and at the end of the court working day (4.45 pm). At every session, the bell is rung seven times each. The sound used to resonate across the court building and was audible all over as an indication of the courts working on schedule. However, now due to the introduction of air conditioning the court hall doors remain closed and therefore the sound is not audible across the court building. Further, the court building itself has expanded into an annexe building where the bell cannot be heard. There is one staff from the Registrar General’s office whose duty it is to ensure that this bell is rung. Some of the court staff felt that ringing this bell is a time-consuming process and could be replaced with an electronic bell. Most people had no opinion on it as they said either way it cannot be heard. One lawyer mentioned that there was a proposal to make it electronic but finally the argument of following tradition prevailed. Another folklore that was mentioned by two court staff was that this was not the original bell of the high court. Around twenty-five years back there was an actual bell made of brass and it weighed 150 kilograms. It was placed outside the high court building, in the compound premises adjacent to the walls of the high court. That bell

could be heard across the entire court. However, one day a lorry came and this bell was stolen. Since then the bell has been replaced in its current form and is locked in the Registrar's Office to avoid any such recurrence. The senior advocate Masilamani, 'ferverently hope[s], [that] the bell would continue forever' (2012:220). Hence the ringing of the bell signifies sounds of continuity – wherein traditions of constituting courts as specific kinds of auditory spaces are considered important to conserve its identity.

One more tradition is the practice of the state parliament sending a copy of the legislative bills to the high court. There was an old practice wherein the legislative assembly would send a bill to the high court as there was no clear separation of powers between the legislature, executive and judiciary. While this distinction is clear now, the practice continues and no one in the Registry knows why. However, the bills come and they keep the copy as a matter of following a prior tradition. Actions like this further reiterate and relate to the fixed notions of following practices that seek to maintain the hierarchical position of the court, through various means, in this case through the subservience of the state parliament to the high court.

A unique practice to protect the easementary rights of the high court is carried out once a year around the month of November (Rajah 2012:230). At this time, the gates of the high court compound are closed for one day. This prevents the claim of a easementary rights by persons who use the internal roads of the high court complex for their daily commute to reach from one end to the other end (Masilamani 2012). Between the three high courts, this practice only existed in the Madras High Court. This is because the Madras High Court comprises an entire complex, creating the need for persons to pass through and raising the issue of easementary rights.

A problem that the Madras High Court has been facing since a long time has been triggered by the boycotts and strikes that are called by lawyers. Rajah (2012) documents that these boycotts have been occurring post-1962 and have created several incidents of violence, protests and clashes. Often when a boycott is called no lawyers are permitted to go to court under the threat of violence. There have been several incidents of strikes and boycotts over the years and it has been on an increase for some time. In 2009, the protests for 'Sri Lankan Tamils' became violent and lawyers burnt down a

police station that was a part of the high court complex (Viswanathan 2009). As per some news reports nearly two hundred lawyers were injured (Viswanathan 2009). This was just one of the several incidents of boycotts turning violent on the Madras High Court premises. Just before I conducted my ethnographic work in the Madras High Court there had been another boycott relating to unruly behaviour against the implementation of a mandatory helmet wearing rule and contempt proceedings against two Madurai based bar association leaders. The boycott in this instance led the Chief Justice of the high court to install closed-circuit television (CCTV) cameras inside the chief justice's court hall.<sup>180</sup> Eventually it also led to a Central Industrial Security Force (CISF) team being permanently commissioned for the Madras High Court's security purposes (Sureshkumar 2015). Therefore, these strikes and boycotts have become an integral part of the high court culture in Madras. When I discussed this with the court personnel that I interviewed, every person replied saying they were opposed to this behaviour and did not support it. Some lawyers explained that if lawyers themselves have to boycott the judicial process then what justice would they offer to their clients? Some lawyers stated that this was the handiwork only of a few lawyers who did not have many cases or much work and therefore their time was spent on these issues. However, there was a general sentiment against these strikes and boycotts and the need for them not to occur. While the right to protest was recognised, persons associated with the Madras High Court felt that this was not the method that the legal community should adopt. Even with the latest measures of installing CCTVs and mandating CISF protection, the calls for boycotts continue and have become a constant in the Madras High Court.<sup>181</sup>

The Madras High Court makes a special effort to disseminate information about the court and its proceedings. In pursuance of this, Doordarshan<sup>182</sup> has an allotted slot for court news since 2007. The news is broadcast in Tamil on Sunday mornings for half an hour. During this time, important judgments and decisions of the Madras High Court are highlighted and several other historical facts related to the court are discussed. Here it can be seen that there is an effort on the part of the administration to acquaint the

---

<sup>180</sup> The use of CCTV cameras in courtrooms has been discussed in Chapter 6.

<sup>181</sup> A similar practice of breaking from court work is seen in the Calcutta High Court through the calling of a "10:30" or a "3:30" during court working hours (see Chapter 5).

<sup>182</sup> Doordarshan is a Government of India founded public service broadcaster.

public with the court and its processes. In an attempt to distance itself from state politics the Madras High Court made a conscious decision to not use the state government issued annual calendars that sported the figures of the politicians in power. Instead the high court authorities decided to create their own high court calendar which has photographs of the glory of the court building itself. This is the calendar in use throughout the Madras High Court.

There is a gown maker outside the Madras High Court by the name of Ali and Sons where most judges and lawyers get their black gowns tailored. While the gown is the same as seen across the three high courts, these gown makers have created a special lawyer's white band for women. Since the white band is meant to be worn under a collar, Ali and Sons has modified the band to suit the Indian clothes for women. This band is made with an inbuilt collar with the two prongs of the band attached to it. It was made so that women could wear it on *sarees* or *salwar kurtas* which did not have a collar. I noticed the presence of such a band only in the Madras High Court and not in the Bombay High Court or the Calcutta High Court (see Chapter 6).

The Madras High Court also has its own special seal for the court as provided for under *The High Court (Seals) Act, 1950*<sup>183</sup> (see Image 102). Before independence the high court seal had an impression of the Royal Arms with the text stating 'the Seal of the High Court at Madras' (Rajah 2012:80). After independence with the implementation of *The High Court (Seals) Act, 1950* the high court has its own unique seal. The seal of the Madras High Court has an image in yellow colour of the *gopuram*<sup>184</sup> of the Srivilliputhur Andal Temple. At the base of this is the official Indian government emblem of the Lion Capital of Ashoka in red colour with the Indian flag on both sides. The text in green colour encircling this image reads as 'High Court of Judicature Madras' and below the seal are the words *Satyamave Jayate* which means 'truth will always triumph'<sup>185</sup> (Rajah 2012:80).

As has been documented in this section, it can be seen that the Madras High Court follows several customs and traditions that are linked to its historical setting. When

---

<sup>183</sup> Act No. 7 of 1950.

<sup>184</sup> *Gopuram* is a large tower over the entrance gate of a temple.

<sup>185</sup> The description of the seal of the high court is as seen in the court halls during my fieldwork.

compared to the Bombay High Court and the Calcutta High Court, the Madras High Court is unique through these different registers. With this data in hand, I compare the various ocular practices of the Madras High Court with those in the Bombay High Court and the Calcutta High Court and reflect on the deeply ambivalent relationship that these courts share with their own visual image and issues of legitimacy and authority that they seek to maintain.

## CONCLUSION

When looking at the Madras High Court in its ocular form, this court is seen to display several characteristics that are not seen in the other presidency town courts of Bombay and Calcutta. There are details of its relationship with two World Wars that creates a historical setting further aggravated by colonial rule, which have not been experienced by the other high courts. There are other minute details like the protection of its easementary rights and dissemination of information about the court through the Doordarshan television channel. Powerful iconographical symbols of law and justice dominate this court through alternate symbolism in the form of the lighthouse that creates the most enigmatic feature of this court. The ringing of the bell and the issue of boycotts and strikes called by lawyers all add up to the visual storyboard for this high court that narrates the way in which law attempts to conserve its sacrality on one hand and monumentalises the law on the other hand.

During my fieldwork in the three high courts, I found the Madras High Court to be the most accessible and approachable court to do research in. This openness of the court was expressed in more ways than one. Situating myself within the Madras High Court, I was able to understand the visual field of law created around this court space as the information was not treated as secret. Amidst this, there was still one feature of the court that reminds of the hierarchy that permeates and legitimises the court. This is the practice of judge's walking in the corridors and persons standing aside and bowing to them. Several persons felt the tradition should be carried on and there was no alternative as the corridors were common, and therefore this was the only way that judges could be separated from the lawyers, litigants and general public. The corridors, architecturally created for openness and the entry of natural light (Murali 2012), in this context appear to restrict this very feature. The corridors momentarily become controlled spaces and the law regulates its didactic tone in this procedural format. The



fact that several persons believed there was no alternate to this quotidian, indicates the specific image of the law that has been imprinted on the minds of the persons who enter the court. The idea of mixing the top of the hierarchy with the lower ranks was not part of the equation for the vested image of the law. While this visual narrative of venerating judges when they walked in the corridors of the common people was something imperative for this court, outside of this, these very judges were approachable and interested in disseminating knowledge about the court. This situation created a dichotomy for this court between its projected image and guarded barriers with the alternative reality that can possibly exist behind this.

Practices like this reflect on the ambivalent relationship that the law shares with its own image. The building of the Madras High Court also reflects these ideals as it has been constructed in Indian architectural styles but is still a relic of the colonial past. The structure, albeit differently, still plays the same role of law manifesting itself through its architectural representations and displaying the inherently ornate nature of the law (Halder 1999). The presence of the lighthouse as the tallest tower of the high court is an important aspect of this ornate feature, where law embodies and memorialises itself in terms of this beacon of justice.

After tracing the history of the origin of the high court in the Madras area and continuing with looking at the establishment of this specific building for the Madras High Court, the judicial iconography and visual culture of the court comes alive. Carrying this data forward to Chapter 6, I compare the Madras High Court with the Bombay High Court and the Calcutta High Court through different registers of the name of the court, the language used, the way the court is addressed, the dress worn in court, the banning of photography and video recording in courts and the daily ceremony and rituals that are followed. While analysing the Madras High Court in these terms it is noticed that the Madras High Court shares a strong link with its cultural heritage and the historical setting it exists within. To take an example from the debate on the change of the name of the three high courts, I noticed that the maximum acceptance towards a change of the “colonial” designated names was in the Madras High Court. Here, several persons were agreeable to changing the name of the Madras High Court to be in sync with the name of the city – the Chennai High Court. While this demand has been made in all three high courts, the most acceptance towards this was seen in the Madras High

Court (see details in Chapter 6). Further, the Madras High Court also has its own means of conserving its heritage which it carries forward by conducting walking tours of the high court building. At this time the court becomes accessible and open to all allowing for a pride to be generated towards the memory of the court. The absence of a westernised ideal of the statue of justice is another aspect that sets this court apart from its inherited colonial traditions. While the despotic and dominating nature of the colonial inheritance is not displayed in this form, it is brought out in different practices like the transformation of the general corridor to a sacred space when judges walk through and the division of space inside a courtroom that accords the maximum area to judges and reduces it as the level of hierarchy goes down.

In concluding reflections on the Madras High Court in this chapter, it is imperative to revisit the relationship that this court shares with its lighthouse and the different statues that adorn its spaces. The lighthouse is seen to play the role of a signifier of justice in a stronger way than a carved statue of justice with the generally acceptable scales and swords as seen in the Bombay High Court and the Calcutta High Court. This visual imagery needs to be acknowledged and brought to the fore and forms an important aspect of the visual culture of courts in India. The presence of statues under protest also reflects on the linkage of the symbol of a statue with the idea of the “foreign”. While the statues were viewed as western and foreign, the law, rules and regulations were accepted in their colonial form. This dichotomy portrays the inherently conflicting relationship that the court shares with its colonial history that manifests itself most vividly through the portrayal of a controlled image. While the Madras High Court might differ from the Bombay High Court and the Calcutta High Court at different levels, on the judicial pronouncement that not only must justice be done, but must also be seen to be done through the way law controls its image, these three high courts are on the same footing. Moving from south India to eastern India, we explore the Calcutta High Court in the next chapter.

## CHAPTER 5: THE CALCUTTA HIGH COURT

### INTRODUCTION

The Calcutta High Court has had the opportunity to be the first in many aspects. After the Letters Patent were issued, the Calcutta High Court was the first among the three presidency town high courts to commence its judicial work. The building built to house the newly formed high court also was completed before the buildings for the Bombay High Court and the Madras High Court were constructed. Located in what was then the capital of British India, the Calcutta High Court was the first among equals in the newly created judicial system.

The most striking feature of the building was that it was modelled on the Ieper Cloth Hall in Belgium, a fact of which all persons in the court are still aware of. The recollection of history associated with the connection of the Calcutta High Court with Ieper points to a particular imagination of history that is embedded in an idea of the colonial past and present. The Ieper connection has led to a popular, yet apocryphal story in the Calcutta High Court; in researching this story, I look at the memorialisation of the colonial past and explore how this remembrance links to the idea of reasserting the dignity of the court in a way that is not part of its archival or chronological notion of history.

While the interior of the court does not have any additional designs or carvings, the exterior is adorned with a set of twenty-four pillars with carved capital tops. The resemblance to neo-gothic architecture is evident in this work and creates an ornate impression for the visual of judicial iconography in the Calcutta High Court. The carvings are similar, to some extent, to the carvings seen on the pillars in the Bombay High Court. The presence of these iconographic symbols at the entrance of the court open the visual field of the law before one enters the court itself.

The Calcutta High Court is surrounded by different government and official buildings ranging from the house of the governor, the state legislative assembly to the Town Hall and the state secretariat offices. Often, in capital cities, one sees court buildings located

within the range of other significant government buildings. This is the case for the United Kingdom's Supreme Court in London and the Supreme Court of the United States in Washington D.C. among several other countries that share this similar feature. Calcutta was built as a colonial city as it is often referred to and was the British capital of colonial India till 1911 after which, the capital was shifted to New Delhi. Positioned as such, the Calcutta High Court is located within a specific visual field linked to its historical inheritance where its majestic structure has the privilege to impose on the space that it now marks as its own.

The Calcutta High Court, like the other two high courts, has customs and practices that are unique to it. The use of a "mourning band", the tacit following of a division between original side lawyers and appellate side "*vakils*", and the wearing of a gown with the "senior advocate" flap by all lawyers, junior and senior, are a few examples of practices that are unique to the Calcutta High Court. Along with this, strong reminiscences of the colonial legacy are seen in the Calcutta High Court. The presence of the colonial and its continuing effect on the Indian judicial system post-independence is witnessed most in the Calcutta High Court when compared to the Bombay High Court and the Madras High Court. This manifests in the daily routine of the court as observed during my fieldwork in the Calcutta High Court.

The Calcutta High Court thus has a legacy of its own and the judicial iconography of the high court is contextualised in terms of the other two high courts that were established at the same time. Walking around the court, observing court procedures, entering the bar association rooms and the Bar Library, conversing with different court actors, all form the visual narrative for the Calcutta High Court. The court creates a majestic awe for itself and maintains its dignity through rules implemented in the court that control the image of the law for persons outside the court. While photography and video recording is strictly prohibited, I found several sketches of cases from the high court in the newspapers published in the city. Since the rules on courtroom sketching are unclear, there is ambiguity as to whether the court is in favour of or in opposition to this practice. Therefore, the law presents a dichotomy when it invests efforts in policing its image by banning photography in the court but overlooks the practice of sketching as it is an act that occurs "outside" the court, although it might relate to matters inside the court.

While the court is accessible to all, rules for entry into the court and courtrooms differ between lawyers, litigants and the general public, and therefore it restricts itself in one way, and unknowingly opens itself in alternate ways. Conflicts like these reach the visualisation of courts of law and methods they use to police and protect their image in order to maintain their legitimacy and monumentalise the law. Tracing the history of the high court and its building, along with looking at the judicial iconography of the court and customs specifically practiced therein, contextualises the space of the Calcutta High Court within the idea of the visual culture of courts in India.

In this chapter, I detail and describe the Calcutta High Court. The first section traces the history of law courts in Calcutta and the evolution of the judicial and political system that eventually established the Calcutta High Court. The next section details the establishment of the Calcutta High Court building that was completed in 1872 and remains the main building of the high court till today. Here, I also focus on the link between the Calcutta High Court and the cloth hall of Ieper on which the high court building was modelled. The following section of this chapter details the architecture and judicial iconography of the Calcutta High Court. This section also describes in detail the twenty-four pillars that line the front façade of the Calcutta High Court, creating the most symbolic visual imagery for this court. The last section notes the specific customs and practices that are prevalent only in the Calcutta High Court when compared to the Bombay High Court and the Madras High Court. The chapter concludes with tying the origin and history of the high court with its colonial roots to the present practices and procedures that form the different registers of comparison that I employ in Chapter 6.

### **SECTION 1: HISTORY OF THE CALCUTTA HIGH COURT**

Of the three high courts that were established with the Letters Patent from the British Crown, the Calcutta High Court was the first court to start functioning and begin work as the high court for its jurisdiction. This was followed by Bombay and then Madras. Prior to the formation of the Calcutta High Court there existed a similar set of courts as was the case in Bombay and Madras. The predecessors of the high court were the Mayor's Court, the *Sadar Diwani* and the *Sadar Nizamat Adalats* and the Supreme Court of Judicature at Fort William. In 1862, with the enforcement of the Letters Patent

by the Queen of England, the Calcutta High Court was established. The high court's jurisdiction was an amalgamation of the existing courts and a continuation of the same into one judicial institution (Nair 1987, Sarkar 1997).

The Mayor's Court was established through a Charter in 1726 and the Supreme Court of Judicature at Fort William was granted existence through a Charter in the year 1774. The East India Company had its own courts additionally that dealt with matters concerning their trade and business. The *Sadar Diwani* and the *Sadar Nizamat Adalats* were the highest courts of appeal for both civil and criminal matters. Due to the events of the *sepoy* mutiny in 1857,<sup>186</sup> the control and powers of the East India Company were taken over by the British Crown and therefore there was a need to change the structure of judicial administration in British ruled India. As a result, the Letters Patent was issued on 14 May 1862 that established the High Court of Judicature at Fort William in Bengal (Nair 1987). At the time of its establishment, the High Court of Judicature at Fort William had jurisdiction over what was the presidency of Bengal. This included the states of present day India<sup>187</sup> that are Bihar,<sup>188</sup> Orissa, West Bengal, Assam, Arunachal Pradesh, Meghalaya, Nagaland, Mizoram, Manipur, Tripura, the union territory of Andaman and Nicobar Islands and the country of Bangladesh (Nair 1987). Over the course of time and post-independence this jurisdiction has been reduced and most states have their own independent high courts now. The jurisdiction of the Calcutta High Court still extends to the Andaman and Nicobar Islands where there is currently a bench of the high court.

From the Supreme Court of Judicature at Fort William in Bengal was established the High Court of Judicature at Fort William in Bengal. This court was referred to as the Calcutta High Court in *The Government of India Act, 1915* which also restricted the jurisdiction of the high court (Sarkar 1997). Sarkar (1997) traces the development and changes in the functioning and jurisdiction of the high court through various legislative enactments. While initially *The Indian High Courts Act, 1861* provided for several powers to the Calcutta High Court, it was subsequently amended by a Letters Patent in

---

<sup>186</sup> The *sepoy* (Indian soldier) mutiny of 1857 is often considered as the first war for India's independence. The mutiny eventually led to the dissolution of the East India Company.

<sup>187</sup> The list of states of India is as they were demarcated up to the year 1987.

<sup>188</sup> At that time, Bihar included what is now the state of Jharkhand.

1865 where certain powers were shared by the Governor-General-in-Council. *The Indian High Courts Act, 1911* empowered the Queen to establish a high court in any part of the territory of British India. The earlier Act of 1861 had restricted the establishment of a high court within the territorial jurisdiction of an existing high court. In 1911, this restriction was removed which led to the curtailing of the jurisdiction of the Calcutta High Court. *The Government of India Act, 1915* combined the provisions of the two *Indian High Courts Acts of 1861 and 1911* with the required modifications (Sarkar 1997). Therefore, by 1915, the idea of the High Court of Judicature at Fort William in Bengal was altered and the restricted jurisdiction of the Calcutta High Court came to be recognised.

When the three high courts were conceptualised in *The Indian High Courts Act, 1861*, the Calcutta High Court was given a position of ‘primacy’ over the other two high courts, but it did not provide for the high courts to be subordinate to each other (Sarkar 1997:171). This provision could have been made possible as Calcutta was the capital of British India at that time. The other difference in provisions between the Calcutta High Court, the Bombay High Court and Madras High Court was that the approving authority for the Calcutta High Court was the Government of India or the Governor-General-in-Council,<sup>189</sup> and in the case of Bombay and Madras, the local government was the approving authority.

The High Court of Judicature at Fort William was established through the Letters Patent in May 1862, and it began functioning on 1 July 1862 (Sarkar 1997). Prior to the advent of the British rule, there was existent a local judicial system by the Mughals (see Cohn 1996, Kolsky 2010, Mukherjee 2009). The British brought a judicial system that had developed during the Anglo-Saxon period in the United Kingdom and imposed it onto the Indian polity. For the British, the Indian native law and judicial system were primitive and backward and the only way to fix the disorganisation of the natives was through the intervention of the superior foreign rule (Mukherjee 2009). This attitude was the basis on which the British replaced an existing functional judicial system which they themselves labelled as being inferior. The process of domination and despotic rule

---

<sup>189</sup> The Governor-General-in-Council was subordinate only to the East India Company’s Court of Directors and to the Queen of England.

thus made itself prominent through the control of the legal system of rules and regulations (Schmitthener 1968-1969, Singha 2000).

At the start of British rule, trade and profits were the primary objective, which was achieved through the East India Company. By a Charter in 1600 the East India Company was granted a limited amount of judicial and legislative powers (Sarkar 1997). Over the course of time and as the presence of the East India Company became larger in British India the powers afforded under the Charters kept expanding. For example, initially the Company could try only British citizens but over time they were given the authority to try non-Europeans as well. The simultaneous occurrences of an increase in trade and the decay of the Mughal empire around the time of the death of Aurangzeb in 1707 led to the pretext given by the British for the establishment of British Royal courts as necessary in the East India Company territories.

In September 1726, another Letters Patent was granted which established the Mayor's Courts in the three presidency towns of Bombay, Madras and Calcutta. These courts were granted power that directly derived from the British Crown (Sarkar 1997). The Mayor's Courts handled both civil and criminal law and they functioned uniquely as a court of appeal and as a sessions court. The Mayor's Court in Calcutta began functioning in the year 1729 and the language of practice of the court was English as it followed the rule of law as set out by the British legal system. Therefore, by this time the English language had already started replacing the native languages of Arabic and Persian in the courts (Cohn 1996, Schmitthener 1968-1969). The Company's Court functioned concurrently to the Mayor's Court but they were independent of each other. The law practiced in the Company's Court was largely indigenous and regulated by the rules of the Company. Due to several political events, changes in the power structure of the East India Company, the decline of the Mughal rule and the famine of 1770, this dual system of courts and government was confusing for the administration of justice (see Sarkar 1997). This issue was attempted to be resolved through the Bengal Code of Regulations. In pursuance of these regulations, two courts were set-up, one each to deal with criminal law and civil law, respectively. The *Sadar Diwani Adalat* had civil jurisdiction and the *Sadar Nizamat Adalat* had criminal jurisdiction and also functioned as a final court of appeal. In 1773, there was an unfavourable report on the existing structure and functioning of the Mayor's Court system. In light of this, a new Charter



was promulgated on 26 March 1774 which established a Supreme Court of Judicature at Fort William for the region (Sarkar 1997).

With the forming of a Supreme Court, the Mayor's Court was abolished. The Company's Court still existed as it was a distinct entity in itself. Often these two parallel court systems came in conflict with each other. The differences between the Supreme Court and the Company Court's Governor-General and Council became so distinct and problematic that eventually the British Parliament decided to intervene. They passed another law that divided the jurisdictions of the two sets of courts (Nair 1987). However, the issues of conflict between the parallel court systems continued to lead to several complications and there was a lot of discussion on the necessity to alter this judicial system. With the *sepoy* mutiny of 1857 forcing a rethinking of the administration of British India in general, the courts of law followed suit (Nair 1987). The eventual abolition of the East India Company and the taking over of control by the Queen allowed for a judicial amalgamation to occur. Ultimately, an Act was passed in Parliament which established high courts in the three presidency towns. This was *The Indian High Courts Act, 1861* which was followed by the Letters Patent in 1862 that created the three high courts of Bombay, Madras and Calcutta. As per the available records, the amalgamated court for Calcutta was formed on 1 July 1892 and its first sitting was on 9 July 1892 (Nair 1987).

## **SECTION 2: ESTABLISHMENT OF THE CALCUTTA HIGH COURT BUILDING**

The Calcutta High Court began work in July 1862 from the erstwhile Supreme Court building that already existed. However, it was soon recognised that this building would need to be expanded and adapted to house the new Calcutta High Court. The foundation stone for a new building for the high court was laid in March 1864 and construction of the building was completed in May 1872 (see Image 103) (Sarkar 1997). Of the three chartered high courts, the building of the Calcutta High Court was completed first. The Bombay High Court followed with a complete building in 1878 and the Madras High Court in 1892.

The timing of the establishment of the High Court of Judicature at Fort William and the realisation for the demolition of the erstwhile Supreme Court of Bengal building occurred almost simultaneously. Therefore, the old building was taken down in 1862

itself and on the same space construction for the new high court building was commenced. In the interim, the Calcutta High Court functioned from the Town Hall building which was, and continues to be, right next to the main Calcutta High Court building. The earlier Supreme Court building was a two-storey stucco exterior building with open colonnades (S Mukherjee 2012).

The new building for the Calcutta High Court was designed by Walter L.B. Granville who was a consulting architect to the Government of India at that time. Other than the Calcutta High Court, Granville was also responsible for designing the General Post Office (GPO) building in 1868 which is to the north of the high court building. The other landmark buildings designed by Granville in Calcutta included the erstwhile Calcutta University Senate Hall in 1872 and the Indian Museum (Das Gupta 2012, S Mukherjee 2012). As Das Gupta identifies, Granville was employed with the government from 1863 to 1868 with the ‘express purpose of designing public buildings in Calcutta’ and therefore his work is seen in the landmark buildings across the city (2012:39).

The Calcutta High Court today has two additional buildings that were built to facilitate the increased demand for space. The first additional building is referred to as the “Centenary Building” as it was sanctioned during the hundred years’ celebrations of the high court in 1962. The building was finally constructed and opened for use in 1977.<sup>190</sup> The second additional building is called as the “Sesquicentenary Building” as it was opened in 2012,<sup>191</sup> the 150<sup>th</sup> year of the Calcutta High Court. These two buildings are not built in the same architectural style of the main Calcutta High Court building.

The Calcutta High Court is the apex court for the state of West Bengal and has a permanent circuit bench in Port Blair which is the capital city of the union territory of Andaman and Nicobar Islands. The current sanctioned strength of judges for the Calcutta High Court is seventy-two (Calcutta High Court n.d.). The Calcutta High Court was thus established in 1862, with its building being completed in 1872. It

---

<sup>190</sup> Information from the inauguration plaque placed on the ground floor wall of the centenary court building.

<sup>191</sup> As per the inauguration plaque placed near the entrance on the ground floor of the sesquicentenary court building.

continues to function from the same colonial building till date (see Image 104). Tracing the history and origin of the high court, along with focussing on the establishment of the high court building provides the framework within which one can observe the analyse the architecture and judicial iconography displayed in the Calcutta High Court.

## 2.1 THE STORY OF THE CLOTH HALL OF IEPER AND THE CALCUTTA HIGH COURT

When one talks about the building of the Calcutta High Court, the immediate fact that is pointed out is that the court building was modelled on the Belgian cloth hall in Ieper. Almost all persons I spoke to during my fieldwork pointed out this fact very categorically. Not only were they aware of the name of the town but also corrected the pronunciation if said with an error.<sup>192</sup> The unique relationship that the Calcutta High Court shares with the cloth hall in Ieper talks to the way history and memory reconfigure themselves in ways that materialise the pride and prestige of an institution, in this case, the Calcutta High Court.

The cloth hall in Ieper, Belgium was a large, medieval commercial building, which was the main market and warehouse for the city of Ieper (see Image 105) (Glancey 2006). The cloth hall is significant and important to the history of Ieper and Belgium because it was the centre for the flourishing Flanders cloth trade in the middle ages (Coate 1995).<sup>193</sup> The cloth hall building was well-known for being a ‘secular’<sup>194</sup> building from its times in the Low countries<sup>195</sup> area and has been described as ‘the most impressive’ and ‘overwhelming’ building in this framework (Glancey 2006:254). The style of architecture of the Ieper cloth hall was the florid Gothic style which existed in France till the architecture there became of the renaissance style (S Mukherjee 2012). It is said that Granville used this style of the cloth hall as an inspiration while designing the Calcutta High Court. Sondwip Mukherjee (2012) compares the tall belfry of the Ieper

---

<sup>192</sup> The British spell Ieper as Ypres leading to the possibility of incorrect pronunciations.

<sup>193</sup> The cloth industry of the coastal region of western Europe, especially in Belgium and Netherlands, was a prosperous industry until the mid-fourteenth century when the English cloth trade entered that region. For a history of the relevance of Ieper as a town see Mission of the In Flanders Fields Museum (at <http://www.inflandersfields.be/en/practical/discover>), and for an account on the development and change in the cloth industry in western Europe with the entry of the British, see Munro (1999). Ieper is now a centre for the agricultural region around it (Coate 1995).

<sup>194</sup> By secular the author implies that it was not a building constructed for religious purposes, for example, a church.

<sup>195</sup> The Low countries refer to the coastal region of north-western Europe, comprising of Belgium, Netherlands and Luxembourg.

cloth hall to the 180-foot tower of the high court building that is capped by four turrets and a spire.

While the original cloth hall building of Ieper was a thirteenth century construction, it was heavily damaged during World War I by artillery firing from the Germans (Coate 1995). In 1918, once the war ended, the town of Ieper had been ruined to rubble due to the continuous heavy bombardment on the town over the course of four years. After these bombings, all that was left of the cloth hall was the stump of the belfry – an image that has been well documented by two photographers from that time (see Image 106) (Coate 1995).<sup>196</sup> The memory of the war and its association with Ieper forms a distinct identity of this town. During the course of my fieldwork, I had the opportunity to visit the town of Ieper and the cloth hall specifically. Through my interactions with residents of the town and research assistants at the In Flanders Fields Museum, I was able to recognise the impact of the war on the town of Ieper and the distinct memory associated with the same.

Dominiek Dendooven (2003) writes about the debate that occurred after World War I with regards to whether the town of Ieper should be rebuilt; and if yes, how? There were three schools of thought as to this proposition. One suggestion was to rebuild the city in a modern style, the second group suggested that the ruins of the town should be preserved and kept as they are in order to create an open memorial of the war; and the last proposition was that the town should be rebuilt as an exact replica and reconstruction of the town of Ieper as it existed before the war (Dendooven 2003). The third suggestion was adopted and therefore, right after the war, the process of reconstructing Ieper in its old glory began. In keeping with this tradition, the cloth hall building was also reconstructed to resemble its earlier thirteenth century design. Therefore, the cloth hall building as it stands today is a replica of the old cloth hall that was destroyed in the war (see Image 107).<sup>197</sup> The reconstruction of the cloth hall began

---

<sup>196</sup> There is a complete photographic record of the destruction and reconstruction of the town of Ieper by two photographers – “Photo Daniel” and “Photo Antony” who are famous for having taken photographs during the time that these events took place. Most of these photographs are available and accessible today in the form of postcards and in books (Coate 1995).

<sup>197</sup> While I was in Ieper, Dendooven who is a scientific assistant researcher at the In Flanders Fields Museum, explained elements of the newly constructed cloth hall building by walking around and showing me different architectural details. Dendooven mentioned that the building had not been reconstructed with the exact architectural material of its thirteenth century counterpart. There was the additional use of cement and new materials used to cover these concrete portions. For example,

in the 1930s and was completed in parts up until 1967 (Dendooven and Dewilde 1999). Today, the cloth hall building houses the In Flanders Fields Museum.<sup>198</sup>

In terms of the Calcutta High Court, a lot of folklore is attached to the incident of the destruction and reconstruction of the cloth hall of Ieper. Several persons, with whom I spoke, believed that when the cloth hall building was thus damaged, the Calcutta High Court authorities were approached to facilitate its reconstruction. They said that the building plans of the Calcutta High Court were used to rebuild the destroyed structure of the cloth hall. Not only was this a part of the oral memory of the court but it is found in written memories of the court's history as well. In 1962, on the occasion of the centenary celebrations of the Calcutta High Court, the Sheriff of Calcutta wrote for the souvenir published on the occasion, 'it is interesting to know that after the destruction of the Ypres Town Hall in the 1914-18 World War, Belgian architects were reportedly sent to Calcutta to copy the design of the High Court for the purpose of rebuilding their Town Hall' (Chowdhury 1962:101). In the 2012 publication of the Indian Law Institute recollecting 150 years of the Calcutta High Court, S. Mukherjee footnotes that, 'the original structure [of the cloth hall] was ruined in World [War] I. It was rebuilt between 1933 and 1967 relying largely on the plans of the Calcutta High Court' (2012:30). The Calcutta High Court also published its own souvenir on the occasion of the sesquicentenary celebrations of the high court. Two articles therein record that, 'when the original Stadt-Haus burnt down during the First World War, a blueprint of Granville's Calcutta High Court had to be consulted before rebuilding it' (Chaudhury 2012:91) and 'when Belgium was devastated by bombing, an architect had come down to Calcutta to create a replica of the High Court building' (Das 2012:111). Along with the knowledge that the Calcutta High Court was modelled on the cloth hall of Ieper, this information has also become a part of the archived memory of the court.

---

Dendooven pointed to certain pillars that have been reconstructed in cement with a wooden covering outside to present it as the old building. Even the belfry has been reconstructed with cement from the inside. Portions of the base of the cloth hall building have survived from the original structure. Dendooven pointed this out, indicating where the old base ended and the new base began (This has also been documented in his co-authored book, Dendooven and Dewilde (1999)).

<sup>198</sup> "Mission of the In Flanders Fields Museum." *In Flanders Fields Museum*. Accessed July 8, 2016. <http://www.inflandersfields.be/en/practical/discover>.

Based on the documented evidence and my conversations with a few persons in Ieper, it is clear that this belief is incorrect.<sup>199</sup> One of the primary reasons for the same is that most people in Belgium and in Ieper itself are unaware that there is a building in India that is modelled on its cloth hall. It can be argued that if this important epicentre of the town of Ieper had been reconstructed based on the blueprint of another building, this fact would have been well-known and documented as is the case with all information related to the reconstruction of not only the cloth hall, but the entire town of Ieper post World War I. So integral was the debate on the reconstruction of Ieper that it is a part of its present as much as of its past. While this argument is persuasive, there is additional evidence that the cloth hall was reconstructed on its very own building plans.

If one looks at the images of the cloth hall just before it was destroyed, you can see the scaffolding that was already in place on top of the belfry (see Image 108). The reason for this is that there was restoration and major renovation work already planned for the cloth hall building before it was destroyed. The engineer architect Jules Coomans had been appointed as the town architect for Ieper in 1895 and he was given the primary task of restoring Ieper's heritage during this time. As noted by Dendooven and Dewilde (1999), he had almost completed this task by 1914. In order to carry out the restoration work on the cloth hall, Coomans had to create his own drawings and the necessary blueprints.<sup>200</sup> During the war Coomans was able to move most of the documents related to this restoration work to the town of Wimereux, where he lived. Therefore, at the time that the cloth hall was destroyed, all the necessary documents were kept safe (Dendooven and Dewilde 1999). After the war was over, when the decision was taken to reconstruct an exact replica of the old cloth hall, the original plans for reconstruction were ready and available (Dendooven and Dewilde 1999). Therefore, there was no requirement for the Belgian architects to contact the authorities of the Calcutta High Court for the building plans.<sup>201</sup>

---

<sup>199</sup> The possibility of this being a myth was also indicated by Professor Amlan Das Gupta and Sujaan Mukherjee from Jadavpur University, Kolkata during my conversations when I interviewed and spoke to them as part of my field research.

<sup>200</sup> The original drawings for the restoration and reconstruction of the cloth hall are available in the Town Archives of Ieper, Belgium.

<sup>201</sup> I had the opportunity to meet the family of one of the architects involved in the reconstruction of the cloth hall. They narrated these details about the reconstruction plans of the cloth hall already being available. They also mentioned that they had many conversations about the reconstruction of the cloth hall as it was very important to the city of Ieper. None of these conversations mentioned the relation with

Another indication towards the fact that the cloth hall could not have been rebuilt from the Calcutta High Court plans is that the design layout of the buildings are different. While the Calcutta High Court is a rectangular building, aerial images of the cloth hall will show you that it is not an exact rectangle. The building narrows in the centre and then expands out again making it structurally different from the Calcutta High Court (see Image 109). Further, the cloth hall has more height as compared to the Calcutta High Court, making the sharing of building plans a futile possibility.

On the question of why Granville might have chosen the cloth hall of Ieper as a design model for the Calcutta High Court, it may be argued that the structure and design of the cloth hall building was a model design for European architectural styles. Karen Burns writes that, ‘From the middle of the nineteenth century Gothic Revival architecture became a global style as it travelled from the northern hemisphere to the south’ (2016:131). Burns argues that this spread was carried out by colonial governments who, ‘stamped their Gothic buildings on provincial and metropolitan cities’ (2016:131). An important form of transporting this was done through drawings and models (Burns 2016). Burns emphatically states that the, ‘culture of copying was central to nineteenth-century Gothic architecture’ and that more often than not, decorative and iconographic works combined, ‘regional, national and global referents to produce original copies rather than faithful replicas of a distant medieval English past’ (2016:131).

This idea of producing “original copies” applies to the case of the Calcutta High Court designed on the cloth hall of Ieper. Confirming this debate is the fact that the Calcutta High Court was not the only building that was modelled on the cloth hall of Ieper. There were several other buildings that were also designed in the same style, because the architecture of the cloth hall of Ieper established a, ‘repetitive, rhythmic regularity that gives the building an astonishing sense of assurance and certainty’ (Glancey 2006:254). Not only was the model building imitated in Europe, but copies are found in the United States of America as well. The State University Plaza in Albany, New York, constructed between 1914 to 1918, is based on the design of the cloth hall in Ieper,

---

the Calcutta High Court. They said that the first time they heard that the Calcutta High Court building was modelled on the cloth hall of Ieper was when I mentioned it to them.

Belgium (see Image 110). The Albany architect Marcus Reynolds modelled his plans on the cloth hall as he had studied the building when he was in Europe.<sup>202</sup> Other buildings in England modelled on the cloth hall of Ieper include the 1869 constructed Chester Town Hall in Chester (see Image 111)<sup>203</sup> and the 1878<sup>204</sup> building of the Holloway Sanatorium in Surrey (see Image 112) (Shepherd 2016), amongst others. Therefore, it is possible to surmise that the Ieper cloth hall building was an often used model design, which was also considered in the construction of the Calcutta High Court.<sup>205</sup>

The evidence of this reality about the existing myth in the Calcutta High Court directs one to think of how history and memory are often reconfigured to materialise a specific pride and prestige. In this case, the myth that the cloth hall of Ieper had to use the building plans of the Calcutta High Court to be rebuilt allows for an architectural history to mobilise a form of pride associated with the history of the high court. Through this myth, we are invited to revisit the colonial past of the high court and the notion of “gifting” back to the Belgians their past through our present. This idea of returning the “gift” has been nurtured and inflected by the colonial idea of the rule of law as a gift to civilise the natives (Cohn 1996, Kolsky 2010, Singha 2000). This returning of a gift by the former colony then also carries elements of reasserting the dignity of the colonised, if not its superiority making a post-colonial circumstance.

This narrative of history is not an archival or chronological notion of history, if one were to note that the Calcutta High Court as an institution did not feel the requirement to verify these facts with its Belgian counterpart. Rather, this notion is embedded in a specific imagination of historical time – a time that is not calibrated through archives, dates or documents but more through the idea of a pride materialised in a different imagination of history. When I spoke to Dendooven, who researches the history of Ieper, he plots an alternative way of materialising this pride. His narrative reconfigures

---

<sup>202</sup> See John G. Waite Associates. "State University Plaza, Albany, NY." *John G. Waite Associates, Architects*. Accessed February 7, 2017. <http://www.jgwaarchitects.com/portfolio/public-buildings/state-university-plaza/state-university-plaza.htm> and "State University Plaza." *SUNY: The State University of New York*. Accessed February 7, 2017. <https://www.suny.edu/about/state-university-plaza/>.

<sup>203</sup> "Venues: Chester Town Hall." *Art UK*. Accessed February 7, 2017. <https://artuk.org/visit/venues/chester-town-hall-6109#>

<sup>204</sup> While the building was completed in 1878, it opened for use only in 1885 (Shepherd 2016).

<sup>205</sup> I am grateful to Dominiek Dendooven for bringing this to my notice.



the Calcutta High Court as one of the oldest buildings in the world with this architectural style, standing in the unique position of being older than the building it was modelled on. This offers an invitation to memorialise the connection with Ieper and Belgium in an imagination that does not address the colonial past as much as the history of World War I.<sup>206</sup>

### **SECTION 3: ARCHITECTURE AND JUDICIAL ICONOGRAPHY OF THE CALCUTTA HIGH COURT**

Now I return to the architecture of the Calcutta High Court building, which is in the neo-gothic style or what is also referred to as the gothic revival style of architecture. While it is known that Granville worked on the design of a thirteenth century building – the Ieper cloth hall – it is not completely clear as to the extent Granville intended to copy every aspect of the said building (Das Gupta 2012). Therefore, even though the structure is modelled on the architectural style of the thirteenth century, the Calcutta High Court is distinctly a part of the nineteenth century gothic revival style.

#### **3.1 LAYOUT OF THE CALCUTTA HIGH COURT**

The basic design of the structure of the building is that of a rectangle enclosing a quadrangle. Therefore, the high court building forms a rectangle with its four sides and the centre portion of the court is an open space. The four sides of the rectangle are for the main court building, courtrooms, administrative offices and bar association rooms amongst other things. The central quadrangle is an open garden space that has over the years housed a statue of justice, the annual Calcutta High Court flower show and an air conditioning plant as of 2016.

The Calcutta High Court has a tall central tower which forms the main entrance of the high court. Only lawyers, court staff and court clerks are allowed to use this entrance which is designated as Gate B. To the left of this entrance is Gate A which is the judge's

---

<sup>206</sup> India shares an additional relationship with Ieper and World War I. When the German forces attacked the Ieper region, the British set-up the commonwealth forces to halt the advances. One of the largest battalions that formed a part of the Ieper Salient were Indian soldiers, numbering 1,38,000 as per the records of the Commonwealth War Graves Commission (Dendooven n.d.). The Menin Gate in Ieper was constructed as one of the largest memorials for the missing on the western front. On the walls of the memorial can be seen the names of a few of the Indian soldiers who lost their life in the war (see Image 113). In 2002, a separate memorial, specifically for the Indian soldiers, was placed in the lawns of Menin Gate (see Image 114). The memorial is a replica of the Indian national emblem in the form of the Ashoka pillar.

entrance to the high court. The right corner of the front façade of the high court has Gate C which has the same entry rules as Gate B. As the building turns from Esplanade Row onto Old Post Office Street, Gate E forms the entry point for litigants and the general public. While they are made to go through a security check process, entrants from Gate B and C are exempted from the same. There is a Gate F on the eastern side which also gives access only to lawyers, court staff and court clerks.

As you enter on the ground floor there are four courtrooms to the left. These are courtroom numbers 24 to 27. The rest of the offices on the ground floor are administrative offices of the court. These offices include and are not limited to the accounts departments, deputy and joint registrars' offices, appeal section for the original side and the office of the commissioner of oaths. Bar Association Room number 12 is also on the ground floor level. The western side has a room for the High Court Employees Welfare Association (HCEWA). There is a small canteen in one corner on the eastern side called "Sen Mahasay Pvt. Ltd. – Confectioners and Caterers". Folklore has it that one of the judges of the high court was so fond of his sweet treats that he ensured that this sweet shop was opened in the high court premises. There is the main central staircase that is below the tower and there is a set of two staircases each on the eastern and western sides of the building structure. Opposite the main central staircase is an elevator shaft.

The grand staircase leads to the first floor which has eight courtrooms on the front façade side and an additional two courtrooms at the opposite end. Courtrooms number 1 to 10 are on this floor. Of these, courtroom number 1 is on the south-western corner of the building. This is the largest courtroom and the chief justice's courtroom in the Calcutta High Court (see Image 115). It has an attached chamber for the chief justice at the back along with the office for the chief justice's secretariat. The other offices on this floor include the Judge's Library and the Registrar General's office. Bar association room numbers 1 to 5 are also on this floor. The High Court Bar Association Co-op Stores and Canteen Ltd is at the end of this part of the first floor. The two additional offices that are on this floor are the Incorporated Law Society of Calcutta and the Bar Library. The end of the Bar Library has the Counsel's Clerks Association Room.

The first floor, along courtrooms 1 to 8, displays busts of several eminent persons associated with the court (see Image 116). There are twelve busts altogether lining the corridor of the court and two slabs in memory of two pre-independence Indian judges of the high court.<sup>207</sup> All twelve busts are of Indians.<sup>208</sup> Between the ground floor and first floor landing of the main staircase is a bust of Sir Chunder Madhub Ghose who was a judge of the high court from 1885 to 1907 and the acting chief justice of the court in 1906. Below the bust are the words, ‘Erected by the Public’.<sup>209</sup> Another statue is placed above this landing, under the arch. This is a marble statue in the seated position of Sir Edward Hyde East, Baronet. He was the Chief Justice of the Supreme Court of Bengal and a principal founder of The Hindu College in Calcutta.<sup>210</sup> The base of the statue reads, ‘The Native Inhabitants of Calcutta Caused this Statue to be Raised’. The statue has two dates, one which says A.D. 1821 and the other which reads ‘Chantrey S. C., London 1828’. From the information available it appears that the statue was sanctioned to be made in 1821 and sculpted and completed in 1828. Sir Francis Chantrey was a renowned sculptor from England and the text indicates that this was one of his works. Since this statue is older than the Calcutta High Court itself and older than the present building of the high court, the statue had to have been brought from elsewhere. It is said that this statue had previously been placed in the grand jury room of the old Supreme Court of Bengal after which it had been transferred to the Calcutta High Court (Mookerjee, et al. 2012). Since the name of the statue is not visible, I asked several persons with whom I spoke during my research as to whose statue it was. No one I spoke to knew the name of the person whose statue was placed there. Further, several people had not noticed that the statue existed as it was not at eye-level, under an arch and not in the immediate range of one’s vision.

<sup>207</sup> The first slab is in the name of Syed Nasim Ali, a Judge from 1933 to 1946 and the Acting Chief Justice in 1946. The second slab is in the name of Syed Amer Ali, a Judge of the high court from 1890 to 1904 and a member of the Judicial Committee of the Privy Council from 1909 to 1928.

<sup>208</sup> The busts on the first floor, in order from the east side to the west side are of the following persons: Sir Romesh Chunder Mitter, Bhupendra Nath Basu, Sir Nripendra Nath Sircar, Baron Sinha of Raipur, Sir Rashbehary Ghose, The Rt. Hon. Sir Binod Mitter, Dr. Atul Chandra Gupta, Dr. Radhabinoo Pal, Deva Prasad Sarvadhikary, Dr. Rajendra Prasad, Shambu Nath Pandit and Ajit Kumar Dutta. This data is as on 13 January 2016.

<sup>209</sup> As seen on the statue of Sir Ghose during my fieldwork in the Calcutta High Court.

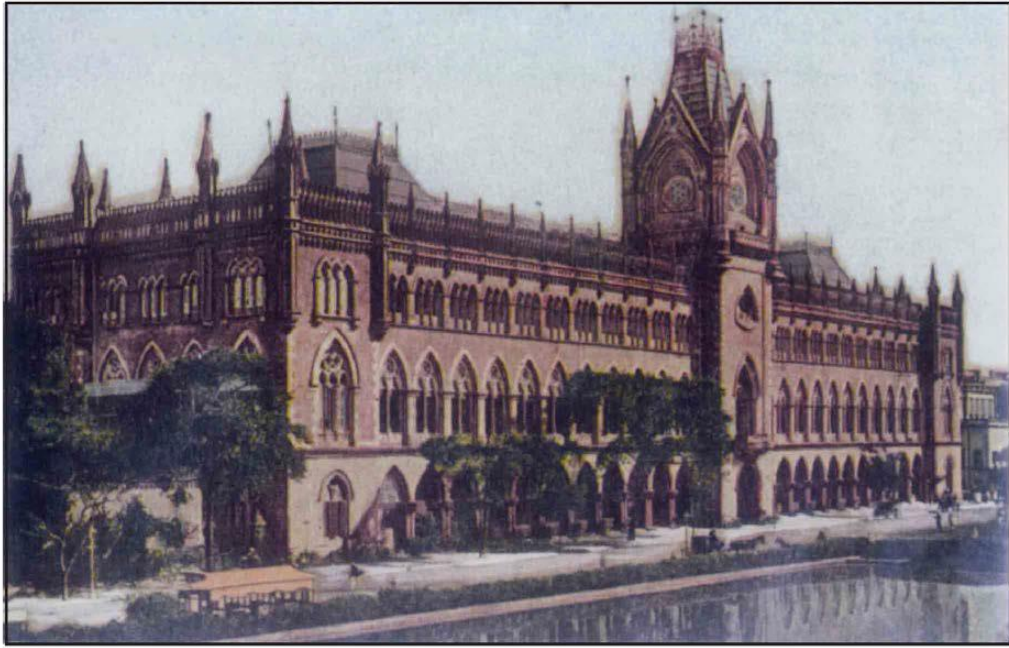
<sup>210</sup> As inscribed on the base of the statue that is placed in the Calcutta High Court. Since the inscription is at the back side of the statue, it can only be read while in the judge’s corridor. The front of the statue faces the lawyer’s corridor but since it is placed at an elevated position, there is no access to the statue from the front.

The courtrooms on the first floor, specifically courtroom number 1 and courtroom number 8 are large. Courtroom number 11 and courtroom number 12 in the additional part of the building are also larger than the rest of the courtrooms in the high court. Most of the courtrooms are modelled on a similar pattern (see Image 117). The judges sit on elevated benches. In front of them is the space for the stenographers, personal assistants and desks with books and papers. Behind that is the space for the lawyers, followed by which is the space for litigants and general public. The courtrooms are all air conditioned and have a mic system. Most of the courtrooms are rectangular in shape and do not have portraits hanging from the walls, except for courtroom number 1 and courtroom number 4. Some of the courtrooms have high ceilings but most courtrooms have low false ceilings.<sup>211</sup> All the courtrooms have moveable storage cabinets. The benches are sometimes wooden benches or chairs with cushions.

Courtroom number 1 is the chief justice's courtroom and believed to be the biggest courtroom in the high court (see Image 115). It has a judge's chamber attached to it behind the judge's dais. The courtroom is huge with a very high ceiling. It is located at the south-west end corner of the main high court building. The judges enter from behind the judge's dais. There is a huge dais which is usually set-up for a division bench of judges. The desks in front have rows of books piled on them. Ahead of the judge's dais is the space for the judge's staff. In front of that is the arguing desk for the lawyers. There are approximately four rows of chairs behind, which are mostly occupied by lawyers. Right at the back is a long wooden bench where litigants and the general public are generally seated. There are cupboards with books lining the back wall of the courtroom. The courtroom is huge with sufficient seating and standing space. There is wood panelling that goes half way up the walls of the courtroom. There are twelve rotating fans around the courtroom that are attached to six pillars. There are no fans or lights hanging from the ceiling downwards. Often the judges would not use the mic system but were still audible; however, lawyers were not clear to the persons seated behind them if they did not use the mic system.

---

<sup>211</sup> One lawyer told me a story about how a portion of the false ceiling caved in once during court hours which lead to chaos in the court. Apparently, it was due to the presence of wild cats in the ceiling area.



**Image 103:** The Calcutta High Court, Circa 1900  
*Source: Mookerjee, et al. (2012)*

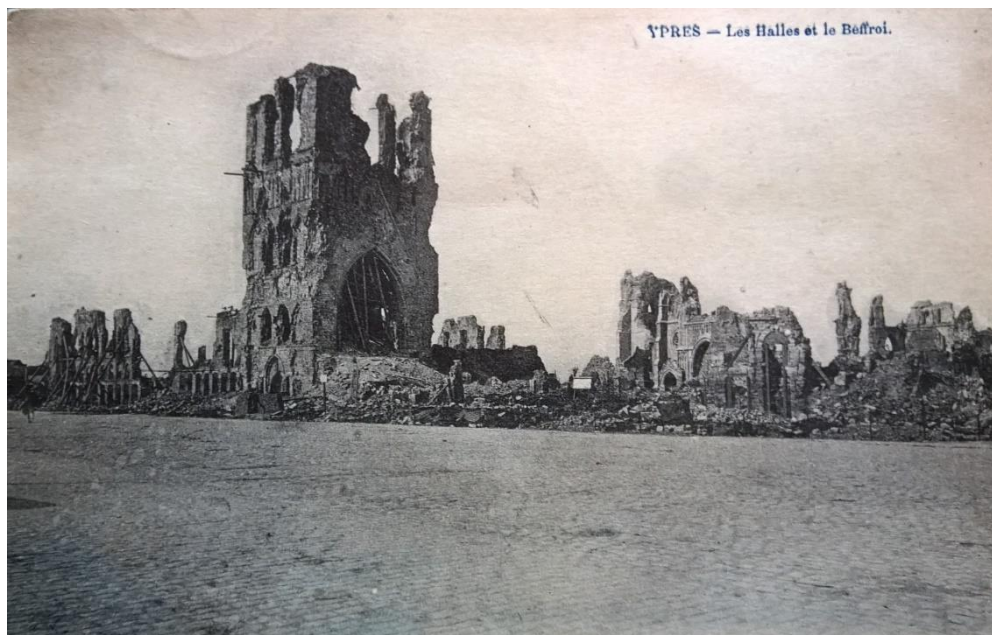


**Image 104:** The Calcutta High Court  
*Source: Rahela Khorakiwala*





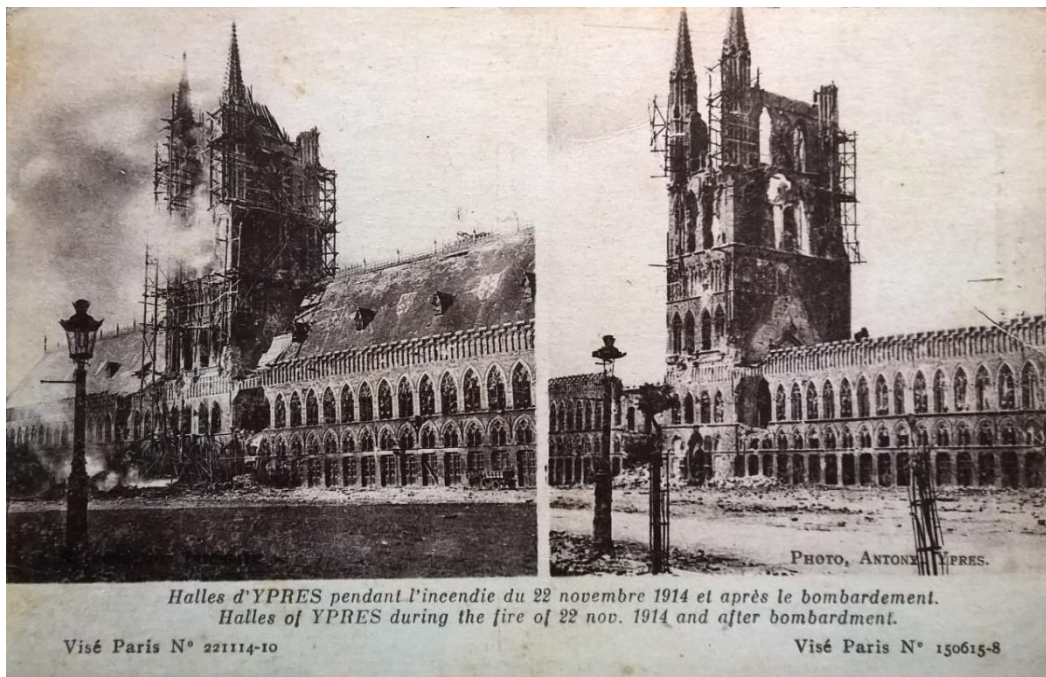
**Image 105:** The Cloth Hall in Ieper, Belgium, Circa 1845  
*Source: Beatrijs Deconinck*



**Image 106:** The Cloth Hall after being Bombed  
*Source: Beatrijs Deconinck*



**Image 107:** The Reconstructed Cloth Hall  
*Source: Rahela Khorakiwala*



**Image 108:** Scaffoldings on the Belfry of the Cloth Hall  
*Source: Beatrijs Deconinck*





**Image 109:** The Structure of the Cloth Hall  
*Source: Beatrijs Deconinck*



**Image 110:** The State University Plaza, Albany, New York, USA  
*Source: Website of SUNY: The State University of New York (n.d.)*





**Image 111:** The Chester Town Hall, Chester, UK  
*Source: Art UK (n.d.)*



**Image 112:** The Holloway Sanatorium, Surrey, UK  
*Source: Illustrated London News (1884)*



**Image 113:** Names of Indian Soldiers at the Menin Gate Memorial  
*Source: Rahela Khorakiwala*

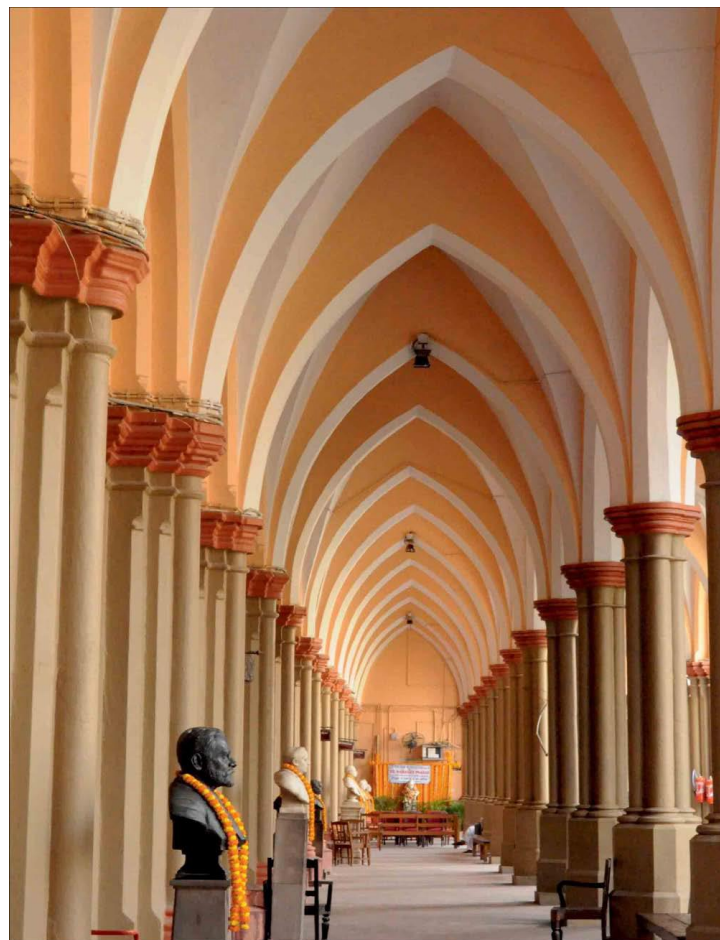


**Image 114:** Indian Memorial in the Lawns of Menin Gate  
*Source: Rahela Khorakiwala*





**Image 115:** The Chief Justice's Courtroom  
*Source: Mookerjee, et al. 2012*



**Image 116:** Busts of Persons Lining the Corridor  
on the First Floor  
*Source: Mookerjee, et al. 2012*



**Image 117:** A Courtroom, Calcutta High Court  
*Source: Souvenir Committee (2012)*



**Image 118:** Jury Benches, Courtroom 11  
*Source: Mookerjee, et al. (2012)*



**Image 119:** Criminal Dock, Courtroom 11  
*Source: Mookerjee, et al. (2012)*





**Image 120:** Staircase below the Criminal Dock,  
Courtroom 11

*Source: Mookerjee, et al. (2012)*

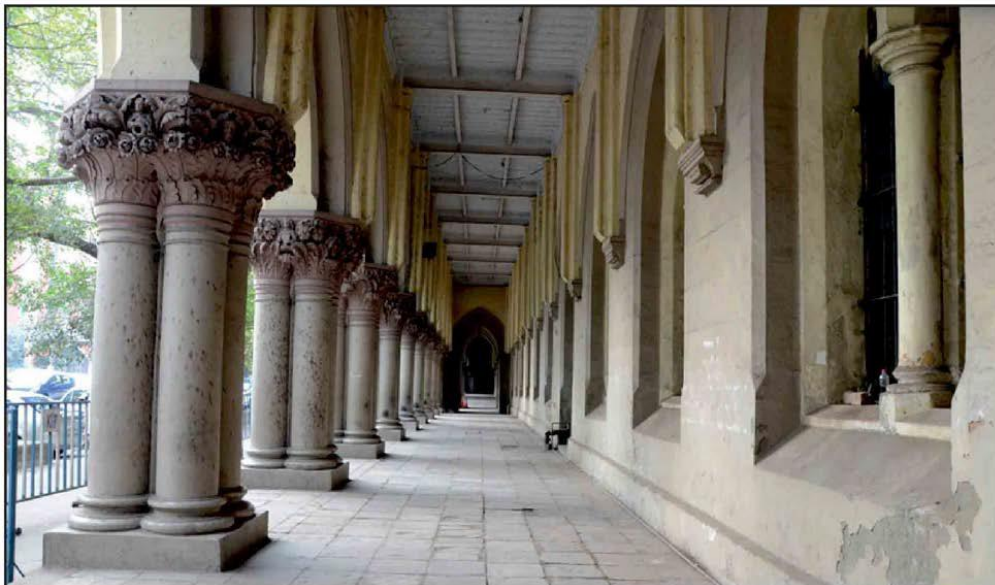


**Image 121:** Scene from the Film *Mamta*

*Source: Mary (2013)*



**Image 122:** Post-Independence Statue of Justice, Calcutta High Court  
*Source: Mookerjee, et al. (2012)*



**Image 123:** Pillars Lining the Front Façade,  
Calcutta High Court  
*Source: Mookerjee, et al. (2012)*





**Image 124:** Carvings on the Capitals of the Pillars: Fruits and Foliage  
*Source: Sujaan Mukherjee*



**Image 125:** Carvings on the Capitals of the Pillars: Figures with an Hourglass and Compass  
*Source: Sujaan Mukherjee*



**Image 126:** Carvings on the Capitals of the Pillars: Animals and Birds  
*Source: Sujaan Mukherjee*



**Image 127:** Carvings on the Capitals of the Pillars: Human Figures, Foliage and Animals

*Source: Sujaan Mukherjee*



**Image 128:** Carvings on the Exterior of the Supreme Court of the United Kingdom

*Source: Cormack (2010)*





**Image 129:** Carvings on the Capitals of the Pillars: Musician and Writer  
*Source: Sujaan Mukherjee*



**Image 130:** Carvings on the Capitals of the Pillars:  
Man's Head and Man Holding a Crown  
*Source: Sujaan Mukherjee*



**Image 131:** Carvings on the Capitals of the Pillars:  
Animals  
*Source: Sujaan Mukherjee*



**Image 132:** Carvings on the Capitals of  
the Pillars: Man Holding an Anchor  
*Source: Sujaan Mukherjee*



**Image 133:** Scene from the Film *Gunday*  
*Source: YRF Music (2014)*



**Image 134:** Carvings on the Capitals of the Pillars: Statue of Justice with a Blindfold  
*Source: Sujaan Mukherjee*



**Image 135:** Carvings on the Capitals of the Pillars: Statue of Justice without a Blindfold  
*Source: Sujaan Mukherjee*





**Image 136: Annual Flower Show**  
*Source: Rahela Khorakiwala*



**Image 137: Prize Winning Flowers**  
*Source: Rahela Khorakiwala*

Three large full size portraits hang from the walls in courtroom number 1, that is, the chief justice's courtroom. In addition, there is one life size portrait in courtroom number 4.<sup>212</sup> Courtroom number 1 has three life size portraits<sup>213</sup> of Sir Elijah Impey,<sup>214</sup> Sir John Anstruther<sup>215</sup> and Sir Richard Garth<sup>216</sup>. These three portraits are placed right at the back of the chief justice's courtroom, behind the long wooden bench meant for litigants and the general public. They are placed on the extreme back end wall of the courtroom, on the side opposite to the judge's dais. The huge life size portrait in courtroom number 4 is that of Shumbhoonath Pandit<sup>217</sup> and is placed on the wall opposite the judge's dais. Courtroom number 4 is smaller in size than the chief justice's courtroom and is rectangular in shape. All four of these portraits are huge and leaning downwards towards the courtroom as if to speak to the persons in the court in a didactic fashion and to make them look up at them in awe (Goodrich 1990). The similar use of portraits was seen inside courtrooms in the Bombay High Court and in the corridors of the court building in the Madras High Court (see Chapter 3 and Chapter 4 respectively).

Courtroom number 11 in the Calcutta High Court also presents judicial iconography that relates to the former criminal jurisdiction of the high court. Courtroom number 11 used to be the criminal court of the Calcutta High Court. It is a large courtroom and is located in the additional part of the compound, jutting out of the northern edge of the high court building. It has a high ceiling with tall fans and lights suspended from above. The walls have wood panelling that covers half the height of the space. The arrangement of seating for the court actors is similar to that in the other courtrooms. Two unique aspects of this court are that it has jury trial benches placed on the side and a criminal dock in the centre of the court. There are a set of two benches that used to be

---

<sup>212</sup> The count of four portraits in the Calcutta High Court is as on 15 January 2016.

<sup>213</sup> For a narrative of portraits and the visual representations of professional versus personal reconstructions of the British elite of the eighteenth century see Durba Ghosh (2006). Ghosh (2006) details features of family portraiture of the British elite, including an example of a family portrait of the Impey's. Most portraits of Impey commemorated his role in the court and, 'His public persona was well represented through a series of official portraits and his authority as a judge was consolidated by the public display of these paintings in the courthouse and later in the Victoria Memorial' (Ghosh 2006:60). The family portrait then represented how Impey, 'cast himself outside his official duties' (Ghosh 2006:60).

<sup>214</sup> The first Chief Justice of the Supreme Court of Judicature at Fort William; he had to face impeachment proceedings due to his alleged collusion with Governor General Warren Hastings during the trial of Maharaja Nuncoomar (Nand Kumar) which occurred in 1775. He successfully defended himself in the impeachment proceedings of 1783 (*The High Court at Calcutta: Centenary Souvenir, 1862-1962*).

<sup>215</sup> Chief Justice of the Supreme Court of Judicature at Fort William.

<sup>216</sup> Chief Justice of the Calcutta High Court from 1875 to 1886 (Mookerjee, et al. 2012).

<sup>217</sup> First Indian judge of the Calcutta High Court from 1863 to 1867 (Mookerjee, et al. 2012).

used as jury benches but are now used as regular benches where lawyers, litigants and general public can sit while inside the courtroom (see Image 118). The criminal dock is also not in use but remains on display in the court as a clear memory of the historical role that courtroom 11 played during criminal trials (see Image 119) (also see Chapter 3). The criminal dock is made of wood and is rectangular in plan. On one corner, there is door for entry and exit and in the centre, there is a bench. On the floor of the dock, towards another corner, is a trap door which used to lead to a room below from where the accused were brought up and taken down via a spiral staircase (see Image 120). After asking several persons in the court as to what was presently below the dock, they said it was closed and inaccessible. The folklore attached to courtroom number 11, which I repeatedly heard, was that the courtroom was haunted with ghosts. Being a former sessions court, with several accused being given the death sentence, it is said that the ghosts of these persons lurk in courtroom number 11 after midnight and several sounds to this effect could be heard (Chaudhury 2012).

One Judge, whom I interviewed, informed me that the Bollywood film *Mamta*, from the year 1966, has some courtroom scenes where courtroom number 11, with the criminal dock for the accused, is depicted (see Image 121). The Judge mentioned that the film was shot inside courtroom number 11 itself and therefore reflects how the court was in 1966.<sup>218</sup> On observing the scenes in the film, it is possible that in some scenes the courtroom depicted is the original courtroom number 11 from the Calcutta High Court.<sup>219</sup> What is interesting to note is that the depiction of the courtroom was maintained in its original form to show a criminal trial in the high court. In the scene of the film, the criminal dock is clearly visible in the same way that it still stands in courtroom number 11 of the Calcutta High Court today.

Almost every person I interviewed opposed photography and/or videography of the court. Therefore, it was not possible to take a photograph of the courtroom as it was prohibited. Even during a court holiday, when legal proceedings were not in session, I was denied permission to enter the court or even stand outside and observe and write

---

<sup>218</sup> As per the case of *K.M. Nanavati v. The State of Maharashtra*, 1962 AIR 605, jury trials were abolished for criminal trials in India. The change in the criminal procedural law was implemented in 1973 leading to the creation of *The Criminal Procedure Code, 1973*.

<sup>219</sup> As seen in the film *Mamta* at 2:03:00 to 2:10:13 and 2:23:17 to 2:29:53.

about the court. Photography of the building's façade from outside the property was also prohibited. The force with which they implement these rules raises questions as to whether protecting the visual idea of the court has become more pertinent in recent years, and whether the prohibition and enforcement have become stricter over time. From whomever I spoke to, in all the three high courts, it appeared that the ban on forms of photography and videography have been part of the system since its inception or at least since their memory could recollect. With today's perception of hiding the visual of the court to a televised audience, the film would probably not get permission to be shot inside the courtroom itself.

The second floor has an additional ten courtrooms. Courtroom numbers 13 to 23 are on this floor, with the exception of courtroom number 20 which does not exist anymore. It is likely that the room where the Assistant Registrars Court is, was formerly courtroom 20, as that would follow the numbering order of the courtrooms on the second floor. The floor has some administrative offices which include the offices of the Joint Registrar (Courts) and the Deputy Registrar (Courts). The offices of senior law officers like the Advocate General of West Bengal and the Additional Solicitor General are also on the second floor. There is a Centralised Filing Section for both the original side and the appellate side. Additionally, there is a Bar Library Club and the office of the Bar Association, High Court, Calcutta. This room has a Study for the Bar Association attached to it. Bar association room numbers 6, 9, 10, 15 and 16 are on the second floor.

Behind the rectangular block of the high court building is an additional part of the structure that is part of the original high court building. This part also has two floors to it. The ground floor has the High Court Police Office and the Office of the Sheriff of Calcutta. There are also bar association rooms, number 11 and 14, in addition to other administrative offices. There is a set of two staircases that lead to the second floor. The second floor has two courtrooms – courtrooms number 11 and 12. There is also a Department of Health and Family Welfare, Government of West Bengal and an Emergency Medical Unit for the high court. There is a corridor to the back of this floor that connects to the City Civil and Small Causes Court that is to the north of the main high court building, away from the main road. In the front of courtroom number 11 is a spiral staircase that is small and narrow and goes up to the third floor. On the opposite end of the staircase there is an elevator. The third floor has different administrative

offices, like the Registrar (Judicial Services) and the Cause Listing Department for the Original Side. It also has bar association rooms, number 7, 8 and 17. There is a corridor at this level that connects this part to the rest of the high court building.<sup>220</sup>

Another important part of the high court is the quadrangle space that is created in the centre due to the plan. The four rectangles enclose and create an open space in the centre of the main high court building. This space is used as a garden space. In the centre, there is an additional structure where a statue of lady justice has been placed post-independence (see Image 122). This white statue is made of plaster of Paris, and stands draped in a traditional *sari* wearing a crown on her head. She holds a metallic set of scales in one hand and has a black veil covering her eyes (Mookerjee, et al. 2012).<sup>221</sup> The quadrangle is used once a year, in the month of February, when the Calcutta High Court hosts its Annual Flower Show which is displayed in this space (see later in this chapter). As of 2016, the right side of the quadrangle is undergoing construction work to add an air conditioning plant. The plant structure is almost high enough to reach the second floor of the high court building. Therefore, the size of the open space is now almost reduced to half. Further, due to the construction work, the statue of the lady justice has been covered and surrounded by debris from the site.

### 3.2 THE PILLARS OF THE CALCUTTA HIGH COURT

The most striking and important feature of the judicial iconography of the Calcutta High Court is seen at its front façade, when you face the main entrance of the high court building. The Calcutta High Court has twenty-four pillars lining the front façade of its structure, from which spring twenty-three arches (see Image 123). The tall tower in the centre of the main entrance contains the central arch and divides these pillars into two sets of twelve pillars each, with eleven arches on each side. On the capital of the pillars are seen several carvings of persons, animals, birds, foliage and different objects. The carvings found on these capitals are the only decorative features seen across the Calcutta High Court building. Das Gupta notes, that the pillars and the designs on them are something that have ‘survived almost intact from the original design’ making them

<sup>220</sup> The description and layout of the Calcutta High Court is as of 13 January 2016.

<sup>221</sup> Due to construction work on going at the time I was observing the Calcutta High Court, the statue was covered. I describe the image of the statue of lady justice from the picture in the book by Mookerjee, et al. (2012:322).

an important iconographical point of reference for the Calcutta High Court (2012:39). The shaft of each pillar, between the base and the capital, consists of four columns arranged in a square, which have decorative designs on the top. The two columns at the opposite ends of the front façade have a set of only two columns within the shaft of their pillar, as only one arch springs from them.

As mentioned by Das Gupta (2012), the capitals and columns are carved out of Caen stone. Caen is a form of limestone that comes from an area near the city of Caen in the region of Normandy in France where there is a stone quarry for the same. As was noted in the chapter on the Bombay High Court, the designed portions of the pillars in Bombay also use limestone as it is relatively soft and thus a favourable stone for the purposes of carving (see Chapter 3). Das Gupta (2012) also writes that Caen stone was the favoured stone amongst architects and sculptors. While the Caen stone is not from India, the material that the pillars and columns are made from can be presumed to be from India because they were too large and heavy to have been brought from Europe. However, it is possible that the Caen stone was brought to India in a carved or semi-carved mould and then completed by local Indian craftsmen as the labour work was carried out in India. Das Gupta and his research assistant Sujaan Mukherjee also point out that the colonnaded part of the high court building was not taken from the Belgian building. This is because the colonnade structure does not suit cold climates like that in Belgium. Therefore, the columns design does not come from the Ieper cloth hall building.<sup>222</sup>

The capitals of these pillars have intricate carvings on them. The lower edges of the capitals have foliage; the distinct design of leaves and fruits are noticeable (see Image 124). Within the foliage are different carvings. Sometimes there is a head of a man or woman, and the character depicted is shown holding something in their hand. Other than human figures, there are figures of animals (sometimes vividly stylised) and birds in different forms. In the first set of twelve pillars from the eastern side (right side when

---

<sup>222</sup> Professor Amlan Das Gupta of Jadavpur University along with his research assistant Sujaan Mukherjee, also from Jadavpur University, have done extensive research on the columns and capitals of the Calcutta High Court. A large part of the data and information I have gathered on this architectural aspect of the high court has been through their article and the literature they provided me on the same along with my conversations with them when I interviewed and spoke to them at Jadavpur University in Kolkata as part of my field research.



facing the building) to the centre, there are figures of women carrying quills, books and/or scrolls and papers, musical instruments, an anchor, a compass and map, a globe, an hourglass, a crown, a shield and a wreath amongst other things (see Image 125). When one views these carvings, it is left to one's own imagination and interpretation to determine the semiotic association and iconographical classification that can be seen in the carvings. While certain designs might appear to be a wreath or a musical instrument to one viewer, it could be interpreted differently by another person. This is where the rules by Panofsky (1982) on interpreting abstract notions from different symbols and motifs comes into play. In terms of animals and birds, there are carvings of what could be understood to be lions, an ox or a bull, an eagle, a deer with large antlers and a small sized bird based on a presumed knowledge that the viewer is deemed to have along with the semiotic association they make of the common motifs and signs on display (see Image 126) (Kevelson 1994, Leeuwen 2004). There are also men's heads, which are sometimes seen wearing a crown and other times seen covered with foliage. There is also a carving of a man holding a feather, scroll and wearing a cape-like robe. The description of the capitals here seeks to provide an understanding of the kind of art work that has been portrayed on the pillars of the Calcutta High Court and the representational meaning they offer to the study of iconological symbolism.

The design of the capitals can be described as both 'square and octagonal' and the octagonal portion has figures carved in two sets (Das Gupta 2012:40). On most pillars there is a pattern followed where a figure of a man or woman is followed by foliage, which is then intercepted with figures of an animal or bird (see Image 127). This pattern repeats around the octagonal capital. However, this is not the case with every pillar design. The base of all the capitals is covered with foliage. Das Gupta (2012) informs us that the use of the human figure-form along with imaginary animal-form of and the representation of the grotesque style of architecture has been a part of the western art from the medieval ages. In thirteenth century gothic architecture, 'the [medieval cathedral] was designed as one vast allegorical system, where the smallest part was meaningful and in harmony with the grand design of the whole' (Das Gupta 2012:40). Das Gupta quotes Emile Male (1973) to argue that during the middle ages art was 'didactic' (2012:40). The use of the word didactic is relevant to the discussion by Goodrich (1990) who also states that the courts of law are built in a didactic nature to impose and create a feeling of awe. Male (1973) recognises that all forms of art were

taught to the followers from the ‘windows of the church or by the statues in the porch’ (Das Gupta 2012:40). Thus, buildings made a statement and the visual images they manifested had an impact on the idea and understanding of dogmas, religion, art, history and science amongst other aspects of the intellectual lives of people. This ties in with Halдар’s analysis that, ‘law continues to be structurally dependent upon aesthetic principles and remains grounded in the rhetoric of the image’ making the visual storyboard an integral part of understanding the court and its mechanisms of control and power (1999:117).

The carvings on the pillars of the Calcutta High Court represented a particular imagery and visualisation of justice for the court space. A woman carved holding an anchor could signify the admiralty jurisdiction of the high court. The globe in her hand could detail international law and international affairs that were handled by the court, based on the interpretation of motifs and signs with the understanding of the definition of iconography and semiotics read with the law (Kevelson 1994, Panofsky 1982). A similar depiction of the representation of the jurisdiction of the court in various carvings on the exterior of the building is seen on the United Kingdom Supreme Court building (see Image 45). While the United Kingdom Supreme Court only came into existence in 2009, the building in which it is currently located was built in 1913. This building was originally for the Middlesex County Council and then in 1963, due to legislative and judicial changes, the county council was abolished and it became the building for the Crown Court at the Middlesex Guildhall (Hale 2010). Therefore, though the present United Kingdom Supreme Court was established in 2009, the architectural features on the exterior of the building are from the early 1900s. Seen on the exterior are carvings similar to the carvings on the capitals of the Calcutta High Court. They are half figures, carved out and are seen to be holding several objects in their hands that symbolise, ‘arts, science and industry’ amongst other things (Cormack 2010:104). There are figures holding attributes that identify with these occupations. One carving of a female figure holds a planet in hand indicating astronomy, another figure holds a ship symbolising maritime industries and yet another figure is seen with a miniature sculpture in hand representing the arts of sculpting and painting (see Image 128). In this style, there are twenty-five small figures through which mechanics, engineering, agriculture, learning and metalwork are also represented (Cormack 2010). In addition to these figures, there are figures of angels that are seen holding emblems of government, law and justice.

Carvings of foliage, animals and birds provide additional ornamentation. Therefore, the carvings were emblems of the county for which the building was built, along with the roles and duties of the judges and councillors who worked in the building (Cormack 2010). These meanings come from an iconological adaptation of the visual imagery displayed in the court.

The imagery in the Calcutta High Court is prior in time to that of the Middlesex County Council. The attributes it carries are symbolic and emblematic of the space it inhabits, although the design style comes from elsewhere. Seen on the capitals are figures of a man or woman holding various musical instruments, swords, ploughs, a sheaf of wheat, sickles, scrolls, papers and quills which are indications of musicians, soldiers, agriculturists, farmers, writers and scribes (see Image 129). These figures, with their symbolic emblems, perhaps reference the various occupations that had approached the court to settle their claims and disputes. While using semiotics for new interpretations, it could be indicative of the court being open to all persons along with it having the jurisdiction to deal with a vast array of subjects affecting the population that it represented (Kevelson 1994). This can be compared to the faces of men with different headgear as seen in the Bombay High Court as a representation of the court being open to all the communities that inhabited the city (see Chapter 3).

Similar imagery continues on the set of twelve pillars that extend from the main central tower to the western end (left when facing the façade) of the court building. On this side, a similar pattern is also followed as described above. There are figures of men, women, animals and birds all surrounded by foliage. Women are seen holding shields, books, scrolls, quills, hourglasses, a crown in hand, an anchor, musical instruments, flowers or fruits and a sword. Men's heads are seen covered with foliage in some carvings and in others, wearing a crown, holding a wreath, a sword, scrolls, wearing a cape-like robe, quills, books and a globe (see Image 130). Along with the human figures are carvings of fictitious animals, animal heads with antlers, sheep, lions, bulls and small birds and eagles (see Image 131).<sup>223</sup>

---

<sup>223</sup> The description of the carvings on the capitals of the pillars of the Calcutta High Court is a selective list and does not cover all the carvings that are seen.

Das Gupta (2012) traces the changing nature of imagery in architecture from renaissance iconography, which uses the allegorical form influenced by religion and paganism, to the gothic revival style of the nineteenth century. He writes that the new styles, designs and motifs of this revival movement formed the, ‘context of many of the major colonial architectural experiments’ (Das Gupta 2012:40). However, Das Gupta cautions the viewer of these allegorical forms and figures by reminding the reader that the construction by Granville was separated by both time and space as he was using a thirteenth century building to create a new design without a clear indication that he was interested in copying the building exactly as it was. Therefore, this situation, ‘disassociates [Granville’s buildings] from their origins, and makes them *literal* rather than *metaphoric* in nature’ (Das Gupta 2012:40).

This interpretation of the design work and motifs of the pillars of the high court are therefore open to iconographical inferences based on the viewer’s presumed knowledge of certain anthropological aspects which give the signs and symbols their meaning. The representational meaning generated from one’s practical experience leads to the creation of symbolic relations between the image and the viewer. As one observes these pillars and looks at the images carved on them, they create their own visual understanding of the law and its representation in the high court. Being the best-preserved part of the high court building, these images speak to the visual culture that the high court chooses to preserve and uphold. These images are open to several allegorical references and create different iconographical symbols. In reading the work of Panofsky (1982) and Kevelson (1994), it is possible to interpret these abstract carvings in the particular context of law and the image that it purports. The carvings create a particular image for the court. Being at the front façade, facing the exterior, they are capable of projecting this visual culture for both the outside gazer of the court and for those who have walked past them inside the court.

While Das Gupta (2012) and S. Mukherjee (2012) write about their interpretations and understanding of what they observe on the pillars, during my ethnographic fieldwork I interpreted those images in different contexts. The existing carvings of the Bombay High Court influenced my viewing of the carvings on the pillars of the Calcutta High Court. Further, based on the literature of iconography and symbolism and its context of law (see Chapter 2), it was possible for me to draw inferences to the carvings on these

pillars. S. Mukherjee asks, '[A]re they Biblical characters?' based on the virtues of justice that are portrayed in the form of, as he lists, 'Justice, Truth, Benevolence, Charity' (2012:28). S. Mukherjee also concludes that it is for the individual viewer to draw their own conclusions from what they observe. While Das Gupta (2012) appreciates the variety available in the carvings, he also notices several themes of gothic decorative art that are represented in these motifs. Das Gupta interprets the figure of a man holding an anchor with his hand held up with the index finger pointing upwards as a suggestion of 'trade and commerce' or as something completely different instead, reading it to be a figure of 'Hope' from an old Christian interpretation of the use of an anchor (see Image 132) (2012:41). These iconographical and semiotic interpretations allow the visual observer to understand justice as they see it emanating from the court with some amount of visual stereotype that exists (Leeuwen 2004). The court has preserved this front façade of the building that allows for persons to enter with alternative views of visual interpretations and for persons from within to process justice in its physical form.

The pillars have their own form of protection from the police officers and security staff that patrol the main entrance of the Calcutta High Court. One morning I went to the high court on a gazetted court holiday. The court was not functioning and was closed. I was not allowed to enter. I stood outside, on the main street, opened my fieldwork book and started making notes about the pillars of the high court. Five minutes into my writing, a police officer approached me and told me to move out of the way as I was blocking Gate C, the side entrance of the high court. I pointed to him that the gate was locked and the court was shut. He then went away. He returned after a few minutes and asked me what I was writing about. I informed him that I was a student and making notes about the carvings on the pillars of the high court. He went away again only to return to tell me that his senior officer was calling me. I was then summoned to the main entrance under the central tower of the high court, at Gate B. Three police officers questioned what I was doing. I explained that I was a PhD student and writing about the Calcutta High Court and therefore making notes about the pillars of the court. The police officer immediately told me that this was not permitted, that I had to stop writing and that I must discard all the information I had gathered till then. He checked my notes, browsed through them, and told me to tear out all the pages of information that I had written. I then mentioned that I am also a lawyer. He asked for identity proof which I

provided. After that, he granted me permission to stand, observe and write about the pillars but warned me that photography was strictly prohibited. The incident was surprising as I was standing on a public road outside the Calcutta High Court, but I was still subject to the rules that govern the court. Therefore, the rules of maintaining the image of the court extend to its peripheries and to an observant eye that is imagining the court in non-traditional ways.<sup>224</sup>

In this study, I have documented the various depictions of the statue of justice that are present in the three courts of Bombay, Calcutta, and Madras. In Calcutta, of all the carvings on the capitals of the pillars, the carving that is closest to the idea of the statue of justice is relevant in terms of documenting the visual culture of courts in India. There are five pillars atop which there are carvings of a woman holding a scale in one hand and a sword in another hand. As there is no fixed pattern of the carvings on these pillars, particular images do not repeat in a systematic form. Three of these carvings have a blindfold covering the eyes of the figure (see Image 134)<sup>225</sup> and two of them have no blindfold (see Image 135).<sup>226</sup> While the Madras High Court has its own allegory of justice, the Bombay High Court has a statue of justice with its known attributes on top of its building. The five carvings in the Calcutta High Court are similar to the carvings of the Bombay High Court (see Chapter 3) in this sense as they depict justice with its most recognisable attributes of a scale and a sword.<sup>227</sup> These carvings form the image of justice that this court space purports. Built as part of the colonial structure, these carvings form part of the database of judicial iconography of the high court. One may argue that the semiotics of the blindfold or the open eyes is repeated in these carvings denoting the internal history as co-existing in simultaneous temporalities symbolised by these iconographic representations within a single historical frame.

---

<sup>224</sup> While the police officer had thus prevented me, it was not necessarily the norm followed by the Calcutta High Court itself. In a recent Bollywood film from the year 2014 called *Gunday* there is a song sequence that is shot right outside the Calcutta High Court, using the front façade of the high court as a backdrop – on the same road where I was standing making my observations (see Image 133). Therefore, the rules on visualisation of the court are subject to the person implementing them and to their perception of how much the image of the court needs protection and scrutiny.

<sup>225</sup> As seen on Pillar 14, Pillar 15 and Pillar 16 when counting from the east to the west end of the Calcutta High Court's front façade.

<sup>226</sup> As seen on Pillar 1 and Pillar 17 when counting from the east to the west end of the Calcutta High Court's front façade.

<sup>227</sup> See Chapter 2 for an analysis of the varied forms of the statue of justice seen across the world.

During my fieldwork, I also asked different judges, lawyers and court staff if they knew anything about either the history of the carvings on the pillars or if they had an opinion of the carvings that existed. Several persons stated that they had not observed the specific carvings on these pillars. One lawyer said that he had not noticed these pillars with the capitals until one day when he took a photograph of himself standing outside the court and looking at the image he noticed the pillars in the background. Many persons had not realised that there were different carvings on top of these pillars and almost no one I spoke to had looked at the pillars individually to observe the visual narrative they were depicting. It was interesting to note how this important iconographical aspect in the front of the high court, even though it is the best-preserved portion, is often walked under without much observation. While the high court did have various statues of justice hidden in foliage, for most people, the court did not have a particular image for the statue of justice that was able to represent the visual idea they had created of that form. Though the pillars have been preserved, in 2012, during the centenary celebrations, they painted the pillars thereby painting over the Caen stone as well. Therefore, the current depiction of the pillars is covered in paint and does not reflect the original colour of the Caen stone.

Pertinent to the discussion of the carving of the statue of justice as seen in the pillars of the high court, is another form of a statue of the lady of justice which has been placed in the central courtyard of the Calcutta High Court, as mentioned earlier in this chapter (see Image 122). This is a recent addition to the court premises. Made out of plaster of Paris, the white statue stands draped in a traditional *sari* wearing a crown on her head. She holds a metallic set of scales in one hand and has a black veil covering her eyes (The Indian Law Institute (West Bengal State Unit) 2012). While this statue might meet the popular image of the statue of justice, it is not necessarily considered so in the Calcutta High Court. Owing to it being a recent addition, many people in the court premises do not connect with the statue as I gathered during my field interviews. Further, at the time I was in the Calcutta High Court, the central lawn had construction work on going. For this reason, the statue was completely covered and out of visible sight. Due to this, many people did not know about the existence of the statue or had forgotten its location. Additionally, there was no information available as to when the statue had been made and placed in the lawn, however, everyone concurred that it was a post-independence occurrence. Overall, when I asked the question during fieldwork

interviews if there was a known statue of the lady of justice in the Calcutta High Court premises, in most instances the answer was in the negative and this statue was not referred to.

Understanding the different architectural aspects of the Calcutta High Court along with semiotically associating the different signs and motifs of the legal iconology present in this court, assists in analysing the visual inheritance of this court. The colonial features of a daunting structure and the maintenance of ideas of domination and control play out in different forms through the judicial iconography of this high court. This is further elucidated when observing the specific customs and practices prevalent in the Calcutta High Court.

#### **SECTION 4: SPECIFIC CUSTOMS PREVALENT IN THE CALCUTTA HIGH COURT**

As is the case with all institutions, and in this instance, judicial institutions, each space has its own practices that are unique to its building and the actors within it. The Calcutta High Court also follows some precedents and customs that are unique to this court itself, when compared to the Bombay High Court and the Madras High Court.

Interestingly, the Calcutta High Court has an additional white band that is made for its lawyers, other than the regular white band worn by lawyers across the other high courts. This band is referred to as the “mourning band” and is worn when someone passes away and there is a full court reference for the same (see Image 142 in Chapter 6). At the time of attending the full court reference, the lawyer is expected to change bands and wear the “mourning band” instead. This band is different in that the regular lawyers band is two pronged, whereas the “mourning band” has the three oblong prongs fused together. The band is easily available and sold within the court premises itself. One lawyer informed me that judges are very particular that a lawyer switches to wearing this band and they are often seen correcting a lawyer in court if they have not worn the “mourning band” when required. Another distinction in the dress of the lawyers of the Calcutta High Court is that in most high courts and in the Supreme Court of India, a “senior advocate” is identified by his gown which is distinct from the lawyer’s regular gown. The senior’s gown has a square flap at the shoulder blades of the robe. In the Calcutta High Court, I often noticed several lawyers, both senior and junior wearing the black gown with the square flap. When I asked several persons in court and the



gown makers they indicated that this was a tradition brought to the Calcutta High Court from the appellate side lawyers who would wear the gown with a square flap, unlike the original side lawyers who would wear the gown with the pouch at the back, which is considered as the regular gown for lawyers as of now. Somehow, this tradition has continued and now junior lawyers select whichever gown they prefer. The way to distinguish a senior's gown is then to look at the long length of the sleeves.

A vibrant use of the high court quadrangle is for the Annual Flower Show of the Calcutta High Court (see Image 136). This flower show is usually organised around the first week of February every year and is an important event for the Calcutta High Court. During my fieldwork, I had the opportunity to observe the setting up, inauguration and proceedings of the flower show. The dates for the Annual Flower Show were 9 to 11 February 2016. On Tuesday, 9 February 2016 the flower show was inaugurated at 4.45 pm in the evening, once court working hours were complete. The Chief Justice of the Calcutta High Court was invited to cut the ribbon and inaugurate the show. The Law Minister of the state of West Bengal was also present. Three judges of the high court are part of a committee for the Annual Flower Show and they were present too. Any members of the high court can participate and put flowers on display during the flower show. Earlier in the day, before the inauguration, a committee formed from outside the high court was invited to come and adjudge winners of the best flowers in different categories. By the evening, the flowers that had won prizes were labelled accordingly (see Image 137). The flowers remained on display till Thursday, 11 February, 2016. Several persons spoke to me about the flower show and recommended that I attend it. For the duration of the flower show, one was allowed to take photographs inside the high court quadrangle. The display was well appreciated and an old followed tradition of the Calcutta High Court.

Another practice that prevails within the premises of the Calcutta High Court is the culture of smoking. During my observations of the Calcutta High Court, not only did I see persons inside court smoking cigarettes, but there were some who also smoked from pipes. Smoking is prohibited in public places in India as per Section 4 of *The Cigarettes and Other Tobacco Products Act, 2003*<sup>228</sup> along with the backing of the Supreme Court

---

<sup>228</sup> Act No. 34 of 2003.

of India that upheld *The Prohibition of Smoking in Public Places Rules, 2008*. Further, there are sign boards across the Calcutta High Court that read ‘No Smoking Zone’. However, the practice continues. One person in the court informed me that approximately five kilograms of cigarette butt is swept out of the high court premises every morning. I spoke to several judges, lawyers and court staff during my fieldwork and asked them what they thought about the practice of smoking. Most persons did not have a problem with the smoking culture around the court but opined that since it was banned it should not occur in the corridors of the court. There were set acknowledged spaces where people would stand and smoke, one being the spiral staircase opposite courtroom number 11. Some people I spoke with expressed shock and asked me where I had seen people smoking. One lawyer told me that to work with a senior lawyer who did not smoke was an abnormality as almost all persons smoked. In fact, there is a small stall in the high court which, along with selling other things, also sells cigarettes, effectively meaning that cigarettes are sold within the premises of the court itself. Interestingly, the image of the court in this respect maintains something that is opposed to the same law that the very high court propagates and supports. The fact that this practice has only been banned in theory and not in reality is an example of the conflict of justice within and outside the court.

The Calcutta High Court had one “bar” that did not relate to the Bar Associations or the Bar Library Club. It was believed, as several persons told me in court, that a small room near the Bar Library Club on the first floor was an actual bar room, that is, where alcohol was kept in the cabinets. In this space, after court hours, lawyers would gather and spend time together. Today in the room there are still remnants of an old bar stool and cabinet but the room does not stock alcohol any longer.

A practice in the Calcutta High Court that has developed as a tradition is the practice of calling for a “10.30” or a “3.30” resolution to be passed. If a “10.30” resolution is called for it means court will close at 10.30 am, that is for the full court working day, and if a resolution is called for a “3.30” then it means that court will close an hour earlier, at 3.30 pm on that day. Regular court working hours are 10.30 am to 4.30 pm. The resolutions are passed when there is a demise of any lawyer who is on the rolls of the bar associations or bar councils of the high court. While this has been an old practice many feel that today it is being misused. The excess use of this practice has caused

court working hours to reduce frequently. Many judges and lawyers, with whom I spoke, expressed regret over the frequency of its occurrences as it was a waste of court working hours and an additional trouble for litigants who would travel and come to the high court specially for their listed cases. As these resolutions are passed on the morning of the day of, there is no notice possible for anyone. Further, some persons informed me that the practice is being carried out by those lawyers who do not have many matters in court and therefore seek to get court holidays on any pretext. Often it was noticed that the resolutions would be timed with a weekend or another court holiday in order to increase the duration of the vacation. Most of the judges and lawyers I spoke to were opposed to the practice in its current form. While they did not oppose the tradition of showing respect to the demised person, they did believe that the current format hindered court functioning. Many pointed out that with the existing judicial backlog, further delays like these were not required. Some lawyers did believe that it was an old practice and should be continued nonetheless. There was a suggestion from some persons that instead they could assign one day a month when they remembered all the departed souls, which would save considerable court time. There were times when these resolutions would be passed once a week reducing court working hours significantly. While some persons said the “3.30” was still alright they completely opposed the “10.30” as the entire court working day would be cancelled.

There is a full process for passing the said resolutions. The concerned lawyers meet in bar association room number 2 and call for passing the resolutions. There is an audio system set-up so that everyone can be heard. Once the resolution is called for, lawyers are allowed to oppose or support it. When the resolution is passed, a printed notice is prepared and circulated to all the concerned authorities and associations in the court. Once the resolution is passed in the Bar Association Room, it immediately comes into force and the rest of the court follows suit. The earlier tradition for court to shut was so that the lawyers practicing in court could then leave court and attend the funeral proceedings of the deceased. As some persons mentioned, it was when senior lawyers passed away and most of the persons in court would leave to attend the funerals. However, in its current form, not every person attends the funeral of all deceased lawyers and therefore the need to suspend court work is not necessary. Some persons discussed that it would not be the right practice to only pass a resolution when a senior lawyer passed away as upon death all were equal. Therefore, if resolutions are being

passed, they should be passed for all lawyers. Another lawyer I interviewed, who was opposed to this practice, mentioned to me how his father, who was a “senior advocate” of the court, had strictly informed everyone that on his death the court should not close and instead continue its work in the pursuance of justice.

The practice of calling these resolutions resonates, to some extent, with the strikes called by lawyers in the Madras High Court (see Chapter 4). In both cases, it was mentioned to me that the actions for preventing court work were carried out by those lawyers who did not have many cases and therefore had the time for these activities. While both these practices have become institutionalised in some form, most of the persons I spoke with were opposed to them. However, the practices continue.

It is important to ask why persons involved in the functioning of the court prefer to see it alter its primary function. It could also mean that they have a different expectation from their workplace, that is, the high court in this instance. The expectation could be to identify and recognise them as an integral part of the court system, even though they are unable to contribute through the accepted route of appearing in court for different listed cases. For them, this could be their method of acceptance or their tool to become a part of the justice system of the high court. The question remains as to whether the court wants these actions to be part of the image it has created for itself and if the court identifies with and further allows for these practices to define what it stands for. While in the Madras High Court, the current chief justice took active steps to try and curb the violence attached to the strikes; in the Calcutta High Court, though there is a sense that this tradition needs to be reformed, there has been no action in that direction yet. One person mentioned, that the fact that the chief justice of the Calcutta High Court is not from Calcutta, is the reason why they do not understand the tradition and therefore cannot be in a position to decide on a tradition with which they do not identify. In Madras, the fact that the chief justice was not from Madras helped in the strong stance that he took to stop the violent and striking behaviour of the lawyers. As he was not from Madras, he could not identify with the extent of what was possible and therefore the fear to tackle it was reduced. Therefore, issues that are inherent and unique to a particular court become part of the perception and idea of that court and the overall image it projects – both to the persons who are part of the court system and those who approach it from outside.

Following these different traditions in the Calcutta High Court, the court space becomes a ‘frozen site of nostalgia’ as described by Mulcahy (2007:390) where a particular visual inheritance has occurred over a period of time. Practices like calling a “10.30” or a “3.30” and smoking in the corridors of the court have been ongoing for years, and though opposed in principle are continuing in practice. On the other hand, there are activities like the Annual Flower Show that talk of a different visual custom that the court identifies with and proudly displays. When reading the semiotic ideas that this court associates with through different abstract notions, it must be looked at as a whole, so as to complete the documentation of the visual culture of this court in the Indian context. Tracing these practices and contextualising them in terms of the judicial iconography that exists in courts allows for the viewer to create new allegories of justice and visions of the law. This allows the law to display its majesty in alternate forms and means and still maintain the tool of legitimising its actions over every person that enters its precincts.

## CONCLUSION

Courts and courtroom spaces then are not neutral but constituted by the architecture, language, dress and daily rituals and customs of the court (see Goodrich 1990, Haldar 1999, Mulcahy 2007). The Calcutta High Court has a unique visual inheritance as the first amongst equals at the time of its creation in India. I have argued that ideas of colonialism and its influence on the architecture of judicial buildings and the type of law propagated in the law courts of India are aspects that are vividly seen in the daily workings of the Calcutta High Court (Mukherjee 2009, Singha 2000). Notions of domination and control, carried forward from the colonial, play out strongly in the manner of implementation of the dress code in this court as the first front of visual dominance that the court operates (see Chapter 6). A distinct presence of British practices is seen around the Bar Library Club and the bar association rooms, along with the tacit divide between the original side “British barristers” and the appellate side “native *vakils*”. The continuation of these forms of control speak to the debate on continuing influence of the empire even in the post-independent era in India (Mukherjee 2009). Yet, the colonial legacy is reconfigured in the official history of the court building. The story about the strong link that this court maintains with the cloth hall in Leper, as narrated in this chapter, is known to most judges and lawyers. The folklore

that the cloth hall was rebuilt using the Calcutta High Court plans has also been deeply embedded into the ethos of the court making for itself a history that is materialised in the pride and prestige of the high court. These aspects, when semiotically associated with the development of motifs and signs that reveal certain unseen and hidden meanings, reflect on the didactic and ornate nature of the law (Goodrich 1990, Haldar 1999).

When specially referencing the judicial iconography of the court, the twenty-four pillars that form the front façade of the Calcutta High Court are the first set of images that cover the visual storyboard of the court. As a legal anthropologist, the carvings on these pillars provided the various motifs and signs through which the court sent out several messages. There are statues of allegories of justice, and persons holding scrolls and anchors, to name a few. These abstract notions are often interpreted to mean that the court had jurisdiction over a host of subjects, from literary issues to maritime conflicts. Interestingly, these carvings were not the first in vision for several people who entered the court daily. The dichotomy in what influenced persons entering court and what remained as a historical linkage highlights the role that history plays in memorialising the development and growth of the court (see Chapter 3).

The Calcutta High Court plays a primary role in the narration of a visual culture of courts in India. Being situated in the capital of colonial India, it commenced with additional colonial powers that mark its history as different from the colonial lineage in the Bombay High Court and the Madras High Court. Bearing in mind this inheritance, the Calcutta High Court displays a visual imagery that formulates a frozen site of nostalgia, as described by Mulcahy (2007). Having done my fieldwork in this court last in order, the court thus became an example for all the daily rituals and behaviours that I had not noticed in the Bombay High Court and the Madras High Court when I performed my research in those spaces.

Tracing the history and origin of the judicial system in the three colonial high courts, along with looking at the establishment of the high court buildings as they were created in the late 1800s reflects on the presence and influence of colonial rules that were despotic and led to the creation of daunting structures for the dispensation of justice. Each of my chapters on the three high courts then documents the architecture and

judicial iconography of these courts drawing parallels and examples that bring them together and set them apart from each other. The specific customs and practices prevalent in each court indicate how, though they originated under the same Letters Patent, over the course of nearly 155 years, they have developed a judicial symbolism that is largely connected, but also differs in a multitude of ways.

Looking at the three presidency town high courts of Bombay, Madras and Calcutta through these registers takes this thesis to Chapter 6 which brings all three courts on the same platform and compares them through tools that the court uses to maintain its dignity and majesty. The comparison provided in the next chapter thus highlights the commonality along with the individuality of the three high courts that have till now been looked at separately.

## CHAPTER 6: ATTRIBUTES OF JUSTICE

### INTRODUCTION

In this chapter, I weave vignettes from the Bombay, Madras and Calcutta High Courts together to explore different forms of performances in the courtroom alongside the earlier descriptions of judicial iconography and semiotics as attributes of justice that represent the visual culture of courts in India. With a focus on a range of attributes of justice, this chapter assists in moving towards suggesting how law images itself and in what manner the visual culture of courts plays a role in the way these controlled images legitimise the court, its actions and its visualisation, both internally and externally.

In the previous chapters, I have suggested ways in which courts are privileged spaces for political commemorations indexing the relationship between law, memory and history and how law organises and re-organises memory in anticipation of the future. In this chapter, I focus on contentious issues that the court marginalises in order to fortify its identity. I especially refer to the challenge of renaming the high courts to reflect the new names of the cities they are located in and the debates surrounding the use of the language of argument within the court premises to echo regional interests versus personal interests. I also touch upon the discussions on the way the judges are addressed with certain honorifics in the courtroom and how these performatives have become an imbedded part of the legal language, without which many cannot begin or complete an argument in court.

My other sites of intervention are those involved in the ceremonial procedures of court. I look at the applicability of the dress code to the various court actors and how it constitutes an important part of the identity that further legitimises the hierarchical superior position in the scheme of court procedures. Furthermore, this is enhanced by the ceremony and ritual of daily court proceedings, which seeks to visualise the dignity and majesty of the court, in order to create an awe towards the court that cannot be questioned. I tie these ideas to the ban on photography and video recording of the court, along with the ambiguous rules of courtroom sketches, that prevent a visualisation of court and control the way the court is viewed. This ban is common across all high courts



and it talks to the way the court prefers to keep itself out of the general vision and allows instead for a perceived notion of the court to exist – an idea that is possible due to the above mentioned use of the various attributes of justice.

Looking at these performances, techniques and attributes that exist in all the three high courts allows for a comparison of the practices of the courts and puts into perspective the importance accorded to various court rituals. Without these ceremonial procedures in place, the court would not derive its legitimacy and the respect and dignity it commands would have a more open avenue for questioning. While all the high courts are open to the public, the courts still manage to maintain a controlled environment where the general perception is that access is restricted and subject to certain behavioural conformities. The study of these various aspects ties in the literature on judicial iconography and semiotics of law, and brings together the Bombay High Court, the Madras High Court and the Calcutta High Court into the visual field of law from where they have not been observed or explored as yet.

### **SECTION 1: THE NAME OF THE HIGH COURTS**

Apart from having high courts in their jurisdiction, the three erstwhile presidency towns also have another aspect in common – the names of all the three cities where these courts are located have been changed. Earlier known as Bombay, Madras and Calcutta, the cities are now referred to as Mumbai (since 1995), Chennai (since 1996) and Kolkata (since 2001) respectively. This change was led by political assertions which wanted in part to shrug the colonial legacy and in other to assert a regional identity. Once this was accomplished, it required that all public institutions that carried the older name be changed to the new name. Historically, the process of defining the jurisdiction of the courts had provided the nomenclature so that they were referred to as the Bombay High Court, the Madras High Court and the Calcutta High Court. The change in the name of the city and by that, the concern for changing the name of the high court was resisted by the high courts themselves. They maintained that they were to be known by the name that they were established under and that this name will be what would be carried forward. Therefore, as of July 2016, the three high courts are still known as the Bombay High Court, the Madras High Court and the Calcutta High Court.

During my fieldwork, I had the opportunity to ask several persons, from judges, to lawyers and court staff their opinion on whether the name of their high court should be amended to be synchronous with the name of the city. In the case of the Bombay High Court, the majority of persons wanted to retain Bombay in the name. Some persons were of the opinion that if the name of all other institutions have changed, then the high court too must follow suit. Further, some persons believed that the name Mumbai was a better representation of the Marathi regional base of the state over which the high court has jurisdiction and therefore the court should reflect that sentiment. Several lawyers believed that there was no need to change the name of the high court and some judges concurred with this too. Interestingly though, the Court staff debated whether the name should be changed along with the language of the court – both of which were interlinked ideas for them.

In the Madras High Court, there were mixed reactions to the question of changing the name of the court. A few persons felt that the name of the high court should be amended to reflect Chennai. One judge opined that the jurisdiction of the high court was no longer restricted only to the Madras city area and covered the entire state of Tamil Nadu; and therefore, the name of the high court should be changed to the Tamil Nadu High Court, as is the case with other states and their high courts that are part of the union of India.<sup>229</sup> On the other hand, some judges felt that there was no need to change the name of the high court. Court staff were also divergent in their opinions, while some felt that the name of the high court should be changed, others believed in retaining Madras in the name. Among the lawyers too, the differences of opinion were evident; a few lawyers chose to be neutral on the issue and said that either way would be fine, and if the name of the high court were to change, then they would not have an issue. Some senior lawyers were completely opposed to the name change. One lawyer, with over ten years of practice, thought that there were other more important matters of concern rather than discussing the change of name of the high court. Therefore, there was no clear divide in favour of or against the name change but everyone in the court did have an opinion on it.

---

<sup>229</sup> For example, the high court in the state of Rajasthan is called the Rajasthan High Court and the high court in the state of Karnataka is called the Karnataka High Court.

In the Calcutta High Court, the majority opinion lay on the side of the high court retaining its original name without changing to Kolkata, the way the city had changed its name. Most of the lawyers even suggested that the name of the city should be changed back to Calcutta instead. On the topic of the high court name change, several persons referenced the city's name change and said that, that should not have happened and therefore, the high court would not follow suit. While I spoke to one senior lawyer, he dismissed the proposition of the question itself and said the entire idea and concept of changing the name of the high court, or even the name of the city, was completely 'uncouth'. One of the Judges pointed out that when politicians complain that the use of Calcutta is too colonial, they must remember that Calcutta is a colonial city and was made as one. The name changing, since it was driven by politics according to the Judge, changed nothing. One lawyer, six years into practice, felt the name Calcutta High Court had its own charm and should therefore be retained while several other lawyers felt the legislature and the judiciary should focus on more important things and this name change was not an important issue. One judge even felt that the name of the high court served no purpose as it could be called by any name but the jurisdiction it covered would not be altered. On the other hand, a lawyer practicing since 1992 felt that in retaining the older name, one was clinging to the past and therefore to let that go, the name of the court should change to the High Court of Kolkata or the High Court of Bengal at Kolkata.

The importance attached to the name of the high court by the persons within the court talks to the way they perceive the court of justice. One idea is that the court's refusal to act at the behest of any other authority, inscribes and affirms its dignity. This is congruent to the courts assertion of its independence, a feature that is explicit in the design of the judicial system itself. Therefore, in the case of a name change, the court's decision to not follow other public institutions carrying the name of the city, asserts and maintains its hierarchical and didactic approach to things (Goodrich 1990, Haldar 1999). By not accepting this change, the court also sets an example of what it stands for, making it abundantly clear as to the authority it yields.

While the three high courts have been adamant in this regard, several persons outside of the judicial system, have been keen on changing the names of the high courts to make them concomitant with the changed city names. Initially the Government of India had

proposed that the President be given the power to initiate the changes in consultation with the Governor of a concerned state, the Chief Minister and the Chief Justice of that high court (The Indian Express 2016). However, this plan was not implemented and instead the Law Ministry introduced a bill, namely, *The High Courts (Alteration of Names) Bill, 2016* that allowed the name change to take effect. As per news reports on 5 July 2016, the Union Cabinet approved the proposal of the Law Ministry to make amends through an Act of parliament.

Interestingly, while initial reports indicated that the Bombay, Madras and Calcutta High Courts would be undergoing a change in name, later reports were silent on the status of the Calcutta High Court. Confirmations came in only for the Bombay High Court and the Madras High Court (Special Correspondent 2016). This fits into the conversations I had while in these three high courts, as in Bombay and Madras there was a difference of opinion whereas in Calcutta the majority of people I spoke with, were completely opposed to the idea of a name change. A few days after the introduction of this Bill became public, there were reports that the Calcutta High Court has rejected the claim of the government and would not be changing its name. A letter circulated by the Registrar General of the Calcutta High Court stated that during a full court meeting held on 11 July 2016, it had unanimously decided to reject the proposal of the Government of India (Agrawal 2016). They cited the long history and tradition associated with the name Calcutta as a reason for the same. Therefore, the Calcutta High Court from its own end resisted the move by the central government. This action on the part of the Calcutta High Court is not surprising as during my fieldwork I realised that most people were opposed to any name change, either for the city or for the high court. In the same vein, they were opposed to changing the language of the high court from English to Bengali.

On 19 July 2016, *The High Courts (Alteration of Names) Bill, 2016* was introduced in the parliament, but since it needed revising, the legislative process has been delayed and the Bill is still listed as a pending bill in parliament (Press Trust of India 2016, Rao 2016). As of writing this, the change of names of the high court is not yet in effect, as the Act has not come into force.<sup>230</sup> While the government has gone ahead and attempted

---

<sup>230</sup> This is the position of the Bill as on 15 December 2016.

to alter the way the court visualises itself, it is to be seen how the three high courts adapt to, and create this change from within. Whether they will oppose it or accept it would speak to the way the three high courts wish to visualise its future image both to internal and external forces.

## **SECTION 2: LANGUAGE**

The use of the vernacular as the language of record in court is an oft-debated conversation within the legal world. Several authors write about the role of legal language and its effect on court proceedings and on litigants as legal parlance is not tailored for the unacquainted ear (see Bogoch 1999, Goodrich 1990, Mertz 1988). While language in that form does influence how court proceedings are carried out, I situate the issue of language in a slightly different context that was brought out during my fieldwork in the three high courts of Bombay, Madras and Calcutta.

On the question of language, when I spoke to several persons in all the courts, the answer veered towards the medium of language that should be used in the courts. In the same vein that the three high courts have been facing an issue of changing their names, the three high courts have also had to deal with requests to change the official language of the courts. The official language of the high courts across India is English. In each case, if requested, persons may argue and present their case in the local language. However, the primary medium of instruction is English. Regional demands of each state have been pressuring the courts of law to adapt and change the assigned language to that of the local language of the state. In Bombay, the demand is to change the language of the court to Marathi, in Madras the request is for Tamil and in Calcutta, the call is to change from English to Bengali. The primary contention in these situations is that the high court has jurisdiction over the states where it resides and therefore it should recognise the needs of the people from that state as opposed to, according to some people, pander to a colonial legacy. The identity of the court is in question through these demands and the court is compelled to answer about how it visualises itself – as a court that stands in for the people of the said region or that which not only inherits the colonial legacy but seeks to endure its culture. However, in this case of the high courts, the language of the court is under a constitutional mandate. According to Article

348<sup>231</sup> of the Constitution of India, the official language of the Supreme Court of India and the high courts in all states will be English. It then must answer how it visualises itself; as one which appeases to the masses or one that maintains its authority based on its commitment to the Constitution of India.

While there is considerable demand for language change, there are other practical reasons as to why the change of language in the courts would require larger structural changes in the rules and procedures of the courts of law because English is the official language of all the high courts. One of the main arguments is that lawyers once enrolled are eligible to practice in all courts across India. If the language differed between courts, and in the Supreme Court, this would restrict the movement of lawyers and forums of practice. Further, the prevalent practice in high courts is that the chief justice of the high court is appointed from another state high court and this practice would be in considerable jeopardy if the demand for language change is heeded. Therefore, when a person from another state heads the high court of a new state, they would not be able to discharge their functions if the language of the court differed. In the immediate aftermath of its independence in 1947, linguistic reorganisation of the states had been one of the most rallied feature having long lasting repercussions (Brass 2004). So, even if within states the regional language was put to use, the problem would enlarge in the Supreme Court of India as there would be no common language in which arguments could be heard. Several persons whom I spoke with in the field made this point. The cost of translating documents for appeals from the high courts to the Supreme Court

---

<sup>231</sup> Chapter III – Language of the Supreme Court, High Courts, etc.: Article 348:

(1) Notwithstanding anything in the foregoing provisions of this Part, until Parliament by law otherwise provides – (a) all proceedings in the Supreme Court and in every High Court, (b) the authoritative texts – (i) of all Bills to be introduced or amendments thereto to be moved in either House of Parliament or in the House or either House of the Legislature of a State, (ii) of all Acts passed by Parliament or the Legislature of a State and of all Ordinances promulgated by the President or the Governor of a State, and (iii) of all orders, rules, regulations and byelaws issued under this Constitution or under any law made by Parliament or the Legislature of a State, shall be in the English language.

(2) Notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, authorise the use of the Hindi language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State: Provided that nothing in this clause shall apply to any judgment, decree or order passed or made by such High Court.

(3) Notwithstanding anything in sub-clause (b) of clause (1), where the Legislature of a State has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislature of the State or in Ordinances promulgated by the Governor of the State or in any order, rule, regulation or byelaw referred to in paragraph (iii) of that sub-clause, a translation of the same in the English language published under the authority of the Governor of the State in the Official Gazette of that State shall be deemed to be the authoritative text thereof in the English language under this article.

would only add to the disadvantages. Since India does not have a national language, but only two official languages, which are English and Hindi, along with twenty-two scheduled languages that are a part of the Eight Schedule of the Constitution of India, the debate on this aspect of language is not only restricted to these three high courts but is one to be had at a national level.

Within the three high courts therefore, the language debate unfolds at a more complex level. During my fieldwork I asked several persons their stand on the issue of effecting a change in language in the high courts. In the Bombay High Court, the majority of persons opposed this change and said it was a practical impossibility to change the language of the court from English to Marathi. The reasons enumerated were the same as those mentioned above. One court staff mentioned to me that Marathi was his mother tongue and he did not speak English but having worked in the court he understood that the language of the court has to be maintained as English as Marathi would not work at the high court level. One Judge explained this stand with a different logic. The Judge said that the people who demand a change of language state that it would benefit the people who approach the court as often litigants with appeals from lower courts do not speak Marathi. The Judge explained that if the court is being seen in terms of its appellate function, then there is no interaction with the public, and therefore the language of the court would not directly affect the litigants. Other lawyers and court staff expressed the concern that the chief justice of the court would not be able to operate if Marathi was the language of the court and not, what they called a neutral language, English. It was noticed that the persons within the court structure were of the opinion that the language of the court did not define it and separate it from the people. The approach was a practical one, that was geared to the overall functioning of the judicial system.

In the Madras High Court, the response was similar. Even though several people expressed that Tamil was their first language and they were more proficient in Tamil, they accepted the practical hindrances in changing the language of a court. Some court staff mentioned that the demand for the change of language was not external, but a rebellion from within, by certain lawyers who wanted to effect the change. Some persons recognised that the need for changing the language of the court was a political one. Some judges stated that the Madras High Court had passed an order that in the

subordinate judiciary in the state the language could be Tamil but maintained that for the high court the language must remain as English. Some judges and lawyers who were well versed in Tamil literature also opined that the current court system was not equipped for such a systemic change. Other lawyers mentioned that changing the language of the court was not the only aspect that would have to be changed. Legal education, legislative acts, rules, laws, reports and case law would all have to be changed and it would have to be ensured that the quality of translation is maintained as the incorrect adaptation of even one word could make a big difference. One person that I spoke to was clear on his idea that the language of the court should be changed. In his opinion, the United Kingdom changed from using French to English as far back as the thirteenth century and it took another four centuries for English to then become the language of their courts. He therefore believed that the regional language should be adhered to and eventually the system will adjust to it. He also believed that litigants who did not understand English would then be less likely to be cheated by their lawyers, at least on the basis of an ‘alien language’ spoken. Another senior lawyer also opined and gave the example that countries like Germany and France use their local language and therefore if it was possible to adapt to the use of regional languages without diluting India’s diversity, then a language change could be affected.

A senior lawyer was caught between the two arguments against and in favour of changing the language of the court. While on one hand he realised that it is hard for litigants to be ruled by a language that was alien to them, on the other hand, he realised that if every court passed judgment in the regional language there would be no precedent to follow between courts. Another Judge opined that often people argued in Tamil in the court and that was acceptable to a certain extent but the language of communication in general should be uniform. He said that if the Madras High Court demanded to use Tamil and the Supreme Court of India demanded the use of Hindi, then, he asked, what would happen of judicial functions? During my fieldwork I often heard lawyers switch between English and Tamil during the course of arguments. In such cases, it was a matter of familiarity with the language spoken. Therefore, the idea and association with the language of the courts in these terms is a matter of how the court asserts itself for what image it maintains.



In the Calcutta High Court, there was a universal aversion to changing the language of the court to Bengali. While observing court proceedings I barely heard Bengali being spoken and all communication occurred in English. One senior lawyer stated that the language of all courts could only be changed if there was any corresponding national policy on the same, as without a common language the courts of law cannot function in unison. Some lawyers echoed the same practical complexities in changing the language of the high court. One lawyer noted that legal education and the law was taught in English and therefore changing the language of the court would affect this and deprive the exchange of ideas in the field of legal knowledge. Some senior lawyers felt that the language of the court had been English all along and this should be maintained, as it was not a part of the system of the law. One lawyer practicing since 2007 asked that the legal language was written in English and therefore how could the language be changed? He stated that if he wanted to ask for an injunction from the court, even though he knows Bengali, he does not know the word for injunction in Bengali. He mentioned that law exams are also conducted in English and causing such a change would divide the country. Several lawyers were also opposed to the language change on the ground that it would restrict where one could practice law in the country.

Therefore, the debate on the change of language in the courts has oscillated between regional demands and practical impossibilities. There is a colonial legacy involved in the presence of the English language and what started under the British rule has continued into post-independent India, making English the language of the law across the country (see Schmitthener 1968-1969). While it is not the largest spoken language in India, it comes closest to being a common language across a country that is divided on linguistic lines. The court follows certain processes and procedures and as Goodrich (1990) asks pertinently – whose language should the court hear arguments in? That of the litigant, the lawyer, the judge or the rules of the court? In the Indian case, this question changes to whose language should the court hear arguments in – the colonial past or the colonial present that still is a part of the judicial system?

When Schmitthener (1968-1969) traces the development of the legal profession in India he notes how gradually over time English replaced Persian to become the language of the courts. Schmitthener also references how this ‘anglicization of the indigenous legal profession’ begun by 1832 and continued thereafter leaving behind one of the strongest

forms of colonial legacies in the form of the mode of communication in the judicial system of post-independence India (1968-1969:362).<sup>232</sup> While the conflict is apparent and clear, court actors, ranging from judges to lawyers and court staff, did not believe that there was a need to change the language. The visualisation of the court in terms of its acceptance of a colonial language versus a regional language asserts its authority and legitimises its role through this linguistic tool.

### SECTION 3: FORMS OF ADDRESSING THE COURT

An extension to the discussion on language leads to the forms used to address the court. In this section, I focus on the way the judges are addressed and how this practice is another tool used by the court that provides it with a certain legitimising authority and identity. The use of honorific terms to address the courts is an integral aspect of judicial practice in the three courts. This practice ascribes an aura of justice around the judges along with enforced patterns of respect. Judges are referred to with honourific titles during court proceedings as well as outside the courtrooms. In India, the title used widely, is “Your Lordship” or “My Lord”. Goodrich (1990) suggests that the use of this kind of terminology for persons of the court have transformed judges into representatives of law and justice within the didactic and hierarchical space of the court. The use of the honourifics, then, becomes a form of symbolic majesty and order that assists and enables the court in maintaining a position of superiority on its jurisdiction.

To understand this particular aspect of honour offered to the court I asked specific questions to my respondents on how different persons perceived the way the court was addressed and whether they thought this practice should be retained or changed. Interestingly, there is a *Bar Council of India Resolution No. 58/2006* passed by the Bar Council under their rule making power provided for in Section 49 (1) (j) of *The Advocates Act, 1961* that categorically states the way the court should be addressed. The Resolution takes note that the words “My Lord” and “Your Lordship” are relics from the colonial past. They suggest that the forms of addressing the court can be “Your Honour” in the Supreme Court and the High Courts and in courts lower than that, judges

---

<sup>232</sup> There are several vernacular, Urdu and Persian words that form a part of the lexicon of courts. While these terms have been incorporated into the existing legal language of courts in India, in this section, I am exploring the tool of language from the aspect of the contemporary debate on the use of regional languages in the high courts of different states.

can be referred to as “Sir”.<sup>233</sup> The Resolution was added to the *Bar Council of India Rules* under Part VI as Chapter III-A. Even with the Resolution being passed in 2006, and it becoming a part of the *Bar Council of India Rules*, the use of the word lordship is the most common mode of referring to judges in these three high courts.

A seventy-five year old advocate had filed a PIL in the Supreme Court of India requesting the court to specifically ban the use of the words “My Lord” and “Your Lordship”. The Supreme Court had commented that the court had never compelled one to use honourifics like lordship; the only requirement was to refer to the court in a respectable way. Therefore, if one used the words sir, your honour or your lordship, all terms were acceptable and that they would not pass an order on a negative prayer as requested in the PIL. The court decided not to entertain the said PIL stating that it is the lawyer’s choice as to how they choose to refer to the judges on the bench and as long as it was respectful it did not matter what term was used (Press Trust of India 2014).<sup>234</sup> As was evident during my interviews, there was a division of opinion on whether this tradition should be followed or not. Even after ten years of passing of the resolution, the debate continues, while the colonial relic carries forward.

In the case of the Bombay High Court, there was a difference of opinion on the use of the word lordship, though most persons still favoured the colonial term as they associated it with a respectable way to address the court. The first Judge I spoke to understood the use of the word lordship by explaining that the word had become, ‘so well known that people do not attribute a meaning to it anymore’. However, according to the Judge, there was a need for some phrase and a form of respectful reference towards a judge. Therefore, the Judge stated that if one were to use any word then they might as well, ‘continue with the use of a historical word’. Another senior Judge of the court recognised that the use of the word lordship gave the feeling that a man was being

---

<sup>233</sup> The text of the *Bar Council of India Resolution No. 58/2006* is as follows:

Consistent with the obligation of the Bar to show a respectful attitude towards the Court and bearing in mind the dignity of Judicial Office, the form of address to be adopted whether in the Supreme Court, High Courts or Subordinate Courts should be as follows:-

“Your Honour” or “Hon’ble Court” in Supreme Court and High Courts and in the Subordinate Courts and Tribunals it is open to the Lawyers to address the Court as “Sir” or the equivalent word in respective regional languages.

*Explanation.*- As the words “My Lord” and “Your Lordship” are relics of colonial past, it is proposed to incorporate the above rule showing respectful attitude to the Court.

<sup>234</sup> This account is based on newspaper reports.

referred to as a lord. This Judge objected to the use of the word lordship. The Judge explained that as per tradition, it was not the individual that was being referred to when the word lordship was being used. Instead, the term was used to signify a sense of duty, which would oblige a person to follow the courts' orders. The word lordship made the instrument of justice as close to god as possible but not with the intention of glorifying the position. The Judge elaborated, that with the use of lordship, it appears as if one is, 'bowing to divinity' which is not required. Since the word lordship was a colonial relic, this Judge felt it should be substituted with an Indian alternative. Many courtrooms permit the use of the word "Your Honour" instead of "Your Lordship" but this Judge felt that the word honour was also a western word. Instead, according to this Judge, an Indian alternate like '*Mahadoy*' or '*Janab*' could be used with reference to a judge in the court.<sup>235</sup>

The interpretation of the use of venerating terms is interesting. On the one hand, actors of the court tend to believe that lordship is too idolising a term and therefore needs replacing. However, even the replacement of this term is conditional on being one that is almost as revering as its older term. There are two ideas that play out in this situation; first, the idea of challenging veneration as a composite way of addressing the court and second, the need for this challenge to be taken to its extreme and severed from its colonial roots. However, the question remains that, by merely changing the term to an Indianised word, does that actually change the reverential tradition of the court? An actual change in this controlling image of the court would be to use a term that is not venerating in any form. However, this idea is not one that matches the opinion of judges and lawyers of the court and therefore to change this word would directly change the hierarchical nature of the court system, which is not desired. The use of the word lordship therefore continues to exist in one way or another.

Another Judge whom I interviewed reiterated this conclusion. This Judge stated that there is no insistence in particular on the word lordship. The Judge indicated that often the lawyers choose which words to use. However, what was important was that, 'as long as it is respectful then it is not necessary that this word itself is used'. This Judge

---

<sup>235</sup> In the Madras High Court, the word "Thiru" is written before the judge's designation and name as an additional honourific. The word *thiru* is another word used for respectfully referring to someone in Tamil.

also believed that the word lordship that is used is directed towards the institution and not towards the individual. The key and common aspect in all of these answers is that the use of any term must indicate a respect towards the court. The expectation of respect is something that the primary actors of the court expect as the norm. The debate on the use of the word lordship thus also encompasses a debate on the use of any respectable word that continues the reverential aspect of courtroom speech. This constant emphasis on respect ends up demanding that veneration be maintained in both linguistic and symbolic terms.

The last Judge that I spoke to said that the use and change in the use of the word lordship had led in the past, to a difference of opinion in the court and therefore the Judge declined from commenting on the use of the term. However, the Judge concluded by stating that the word lordship was a colonial word and all that was required was, ‘some mark of respect that has to be manifestly shown’ and this could even be seen through one’s body language. Therefore, although in different forms, the opinion on the use of a venerating term remained the same.

Amongst the different levels of lawyers that I interviewed there were varying opinions that mostly followed in the same direction as that of the different judges’. One solicitor believed that the British tradition of the term lordship should be continued as ‘it maintains the decorum and tradition in court’. Another younger lawyer, aged thirty years, affirmed that the use of the word lordship was acceptable as the Bombay High Court was a higher court and the judges here were in a higher position. For the lower courts, one lawyer stated that the use of the word sir is acceptable. A solicitor with two years’ practice expressed that the word lordship directly put the judges on a very high pedestal but since they were ultimately human, this was a form of high veneration. However, the solicitor added that the use of the word lordship was logical because in the documents submitted to court the last page asks for, ‘a prayer to be granted and the only people who can grant a prayer are the lordships’!

In most instances, it was evident that the use of the word lordship had become generic and an accepted form of veneration. Another lawyer with twelve years of practice stated that the word lordship should continue to be used, believing that it was required to maintain a certain amount of formality in the court, which in turn was required to

generate respect for the court and the judicial system. Not using the word lordship would lead to too much familiarity with the judges of the court which is not permissible. One lawyer, with a practice of over twenty-five years differed in opinion from the others. According to this lawyer the use of the word lordship was, ‘ridiculous’ and the word sir should be used instead. This however would not be widely acceptable as is evident from the responses from several other actors of the court.

The court personnel with whom I spoke were in favour of the use of the word lordship. An associate of the court and a personal assistant to a judge with whom I conversed expressed that the word lordship was appropriate as it gave respect. Two private secretaries to different judges were adamant on the use of the word lordship as the word sir, according to them, was too common and general for reference to a judge. According to one of these secretaries, the word lordship was better because, ‘it is best to follow old tradition and therefore to follow the path of the British of using the term lordship’. Completely contrary to this, another private secretary believed that the court needed to change with the changing times and therefore the use of the word sir was enough. Using the word lordship was equivalent to following the British blindly, which should not be the case, and therefore should be changed.

It is important to understand here that the desire to move away from the word lordship, in the few cases that it is present is linked to the breaking of tradition from the British and not from the issue of veneration. The word lordship is linked to colonial tradition that has overtones of being majestic and symbolic of grandeur, which in some cases, the actors of the court want to get rid of. However, the judicial structure in some form or the other has been inherited from the British and therefore by this logic, the judicial system should be overhauled to implement a more relevant and logical style of functioning. The use of the word lordship is apparent in the everyday proceedings and therefore most interviewees had an opinion with a reason for the same.

In the case of the Madras High Court there was also a divided opinion. Further, in the Madras High Court along with the followed format of writing the judge’s name as “Hon’ble Mr./Ms. Justice” there was an additional word added that was “Thiru”. Therefore, in the Madras High Court the judge’s name would be preceded by, “Hon’ble Thiru Mr./Ms. Justice”. The word *thiru* is another word used for respectfully referring

to someone in Tamil. This word was only used in the written format and not a word used while speaking in court. During court proceedings, the words “Your Lordship” would be used.

When I asked persons in court whether they believed that the word lordship should be continued, several persons, from judges to lawyers, mentioned that it was more from a habit with which they used the term and that it was a part of their sentence construction. Most of the judges felt that the word used could be changed. One Judge said the word lordship was not necessary anymore as it was a traditional word being used. The Judge mentioned that they would prefer the word sir but has not insisted on this because most of the times lawyers use the terminology out of habit. The Judge mentioned that there is a Bar Council Notification to this effect but still the word lordship is in use. Another Judge also believed the word lordship is not required and instead respect should come from the heart. One Judge believed that the use of a particular word makes no difference while a Judge who had practiced for almost thirty years before being elevated felt that the word lordship was not required and it could be changed to just the word sir. One Judge was clear that the word lordship was not required and disliked the use of the word. The Judge also reiterated that the Bar Council had dispensed with the requirement of using the word lordship but still several lawyers continued to use these honourifics. The Judge had put up a notice with the Bar Council Notification along with a request that the word lordship not be used to address that particular judge.

Most of the court staff I spoke to felt that it was the correct terminology and judges must be referred to as lordship. One personal assistant to a judge said that the word used does not matter, what matters is that one should feel respect when talking to a judge. Further, the court staff mentioned that it did not indicate that the judge was being treated as a lord but it indicated that they were different from the common man as they were rendering justice. On the other hand, a senior personal assistant to a judge, who had been associated with the court for eighteen years, felt that while some judges deserved the respect of being addressed as lordships, it still felt very awkward when the word had to be used in reference to the judge. The assistant felt that the word lordship is not required. One personal assistant to the judge was clear that lordship was the correct word. This was because they felt that the lord (god in this instance) gives relief to the people indirectly while our lordships (the judges) give relief directly. Therefore, the

name is just. One court staff felt that one must follow what is in practice and since the word lordship has been in practice since the British time it is fine that it is used. This staff member felt that more than the judge the reference is reflective of the post that the judge occupies.

Amongst the lawyers, there was a difference of opinion. A senior lawyer, with twenty-one years of practice believed that the tradition of using the word lordship should not be removed. Lawyers use the word several times in sentences and every time it is used, it gives us a moment to re-examine and re-think our thoughts. Another senior lawyer, enrolled since 1976, felt that they had grown used to the word lordship and it did not mean that it had an equality with the almighty but it was used more as a habit now. A lawyer in practice for the past seven years felt that the word lordship was alright as it was a form of respect and veneration towards the judges. Another senior lawyer in practice for twenty-eight years felt that the word lordship was not required as it was a colonial term. However, after some thought, the lawyer said that it does not matter what word is used because the word reminds of veneration and reminds both the judge and the lawyer that they have a particular duty to perform making this the ultimate way of reminding them of their responsibility. Some other lawyers felt that lordship was not required and it could be changed to the word sir.

In the case of the Calcutta High Court there was also a divided opinion between judges and lawyers on whether the word lordship should be continued to be used in court or whether it should be replaced with something else. Some judges had been clear and categorical that they wanted the word to be changed. While many others believed that, it was still necessary to maintain a respectful tradition of the court. For some the word was a habitual act and for others it could be done away with and replaced.

A lawyer practicing since 2007 said the preference was for lordship out of habit as that is how they had been nurtured and the use of this word was more comfortable for them. Many other lawyers concurred with this view saying that the word was inherent and the use of it came naturally to them. A senior lawyer felt it was a word that they could live with as it was a historical term. Another lawyer practicing since 1964 believed that the word lordship was alright for now but it is something that should not be continued for long. In the future, it could be replaced with the word sir. A young lawyer was of the



opinion that in the course of arguing lawyers tend to over use the word lordship in sentences and there is a profusion of use of the term which should definitely be stopped. This lawyer felt the word could be replaced with ‘Mr. Judge’ instead. Some lawyers opined that this was a British tradition and since we were following all other British traditions and cultures in the court this practice could also continue. Further, because this court was one of the chartered high courts like the Bombay High Court and the Madras High Court, certain lawyers felt this tradition should be maintained. A few other lawyers believed that the word used did not matter as long as it was one that showed respect towards the judges and the court. A senior lawyer with fifty-five years of practice was certain that lordship was the right term and necessary to maintain respect in court. On the other hand, a lawyer with a similar number of years of practice said that the term lordship should be changed as it is a form of subservience even though all persons are used to it in court now. Further, the lawyer said that any other word could be used, like honour or sir, as long as it was respectful. Several other lawyers agreed with this view and felt that the word lordship should be changed to either honour or sir. While some agreed, few disagreed when they stated that lordship was the traditional use of the word and therefore should be continued with. One of the lawyers with this opinion said that the word lordship provides dignity and majesty to the court along with giving it authority and power and therefore the use of the word lordship should be maintained. A few lawyers also believed that any word could be used and that this did not make any difference. Some lawyers thought that lordship should be used in the high court as there had to be some difference between the higher and lower judiciary and a different term could be used in lower courts.

A lawyer in practice since 2007 had an experience in a lower court where out of habit the lawyer referred to the judge as “Your Lordship”. The opposing lawyer taunted him by saying stop this high court practice and refer to the judge as ‘Your Honour’, which is what is followed in this court. The lawyer then asked the judge, what would you prefer, that I refer to you as lordship or as honour? The judge replied saying continue with using the word lordship. Therefore, this lawyer believed that if you want to have a favourable position in the court then you should use the word lordship. After this experience, the lawyer felt that the term lordship gave the judges a sense of entitlement. Also, the lawyer continued to state that it is good to put these lawyers on a pedestal

who have given up their practice to become a judge and if this lawyer ever became a judge, the lawyer said, 'I want to be called lordship'.

A lawyer practicing since 1992 had a different reason for changing the term lordship that is used to refer to judges in the courts. This lawyer mentioned that the use of the word lordship comes from the British and the word itself derives from the concept of a lord. The lawyer said, that this form of lord was a Christian lord and now that we are the Republic of India which is secular as per the constitution, this word that has Christian connotations should be changed. The lawyer felt that in the Indian context the word could be replaced with honour or sir.

One of the judges of the Calcutta High Court was categorically opposed to the use of the term lordship. The Judge said that they abhorred the use of this word and had made it mandatory in the courtroom to use the word sir instead. However, several lawyers informed the Judge that they used the word more out of habit and it was difficult to use sir in one court and then run to another courtroom and switch to using lordship. Therefore, the Judge now permits the use of lordship in the courtroom. Alternatively, one Judge thought that whatever term the lawyer was comfortable with should be used as long as it is respectful towards the judges and the courts. Then the word could be honour or sir, it did not matter. Some Judges said that the respectful word being used was not to the person but to the chair and therefore it showed reverence and it was alright whichever word of respect was used. A few other Judges stated that the word lordship could be replaced with the word sir. Several other Judges felt that the court required some form of ceremony and the use of lordship was acceptable as it was a colonial leftover that was just being followed.

The common thread amongst all the persons I spoke to across the three high courts was that whatever word be used it should be one of respect towards the court. Many persons were of the opinion that this word was not attached to the person but more to the position that was being occupied. Therefore, it was felt that the position deserved some form of respect. The word lordship and its use was something that all persons in the court had an opinion about. The use of this word had created an image of the courts in the minds of its viewers and the notion of respect towards the court played out through this aspect. Therefore, the debate on the use of this word has become an essential

dialogue in the practice of these three high courts. There is a form of fear attached to changing the terminology used as there is a view that a replaced word would not provide the same form of veneration that the court requires to be authoritative and therefore maintain its legitimacy. While the word might create an inbuilt form of reverence to the court it also ensures that certain persons are left out of the dialogue due to the unexplained veneration afforded to the court.

#### **SECTION 4: DRESS**

The dress worn by court actors is an important aspect that separates them from the “others”, essentially those who are not permitted to follow the dress code. I talk about the dress code in terms of the black gown and white band primarily worn by judges and lawyers in the course of their practice in the courts (see Image 138). The gown provides dramatic effect, with one Judge of the Madras High Court referring to it as lawyers looking like bats, running across the corridors of the court. The dress is important, as it identifies the persons who belong to the court in a way different from the litigants and the general public. All persons associated with the court reiterate that sartorial preference and distinction was necessary to preserve the independent image of the judiciary. Within the court actors also, there are slight differences in the dress worn by judges, senior lawyers and lawyers. Thus, the hierarchy manifests itself in two ways – one that lies outside the system, the other which is entrenched within the system.

Goodrich (1990) writes about the importance of the dress and its impact on court proceedings. He draws a parallel between the two with the example of the Haida Indians and the consequences of a process in court when the “outsider” approaches the court in a dress code of their own. In the case of the Haida Indians, they decided to represent themselves in court instead of hiring a lawyer. When they appeared in court, they came dressed in their traditional attire. This entire representation of their traditional dress was as good as ignored because, as Goodrich states, the court does not question the ‘other’ as if it did then that would raise questions, ‘of its “self”, of the social and mythic construction of its own body, its social role and actions, its own clothes’ (1990:183). Interestingly, the court is constructed for the “other”, to provide access to justice, but in terms of the visual metaphor of justice, the importance of the self becomes primary. While one Judge refers to bats, Christine Corcos (2011) looks at the gown as resembling

a magician's gown, thereby attributing to the judicial practice, magical traits. The dress is the first visual encounter in the judicial space; the stark black and white dress code is a visual metaphor that Goodrich recognises as the 'symbolic presence of law as a façade' (1990:188).

During the course of my fieldwork, I asked the question about the dress code to judges, lawyers and court staff. My questions largely revolved around where the gown was purchased; what materials were used to make it and more importantly, if the person thought that this uniform was a necessity for the court actors. Further, I also asked, if one were to see another lawyer not dressed as per the norm, then how would one react to this situation. I also mentioned the old tradition of wearing the wig, and enquired if that should be brought back into practice. The dress code varies as per the hierarchy of the court and the uniform of a judge and a senior lawyer is distinct from other lawyers, and this difference is identifiable. In the Madras High Court, someone mentioned to me, that this distinction was required or else how would one know that a senior is walking past them or present inside court. The dress code and the hierarchy of the court is therefore linked and becomes a necessary means of distinction within this didactic formation.

As a description of the dress code, beginning in hierarchical order, the judges wear black trousers and a white shirt with the white lawyer's band. Over this they wear a black gown with a square flap behind it. The cloth used to make the gown is of a different quality, in most cases made of silk. During the British rule, judges were expected to wear the traditional white wig. However, over the years, and influenced by the hot and humid weather conditions in India, the requirement for the wearing of the wig has been removed.<sup>236</sup>

---

<sup>236</sup> Rob McQueen (1999) traces the origin of the tradition of wearing the wig in British courts. He notes that the earliest implementation of a strict dress code for the legal profession was to distinguish English lawyers from non-common law states lawyers. Till the early 1600s no form of headgear was worn by barristers and judges wore a simple hood or cap. McQueen traces how this changed over the centuries and by the end of the seventeenth century the wearing of the wig was considered as a fashion statement. By the early eighteenth century, the white and grey wigs were introduced but they were still not a part of the law that regulated the judicial costume. The wig that is worn by barristers today was finalised in the early nineteenth century. However, the wearing of the wig at that time was still informal and judges abandoned this 'traditional' dress when it would get too hot and 'stifling' to sit in a poorly ventilated courtroom (1999:37). McQueen thus states that the traditions of the legal dress in most cases were of 'recent invention' and were not treated as 'sacrosanct' by the persons who adhered to them (1999:37). McQueen concludes with the argument that it is difficult to decide what the dress standards for the

Lawyers dress similar to judges, only that their black gown does not have the square stitched into the fabric behind it. Light colours are expected to be worn by lawyers in court.<sup>237</sup> Designated senior lawyers<sup>238</sup> wear the same square flapped gown as judges, and it is usually made of silk.<sup>239</sup> One of the lawyers I interviewed informed me of the concept of, ‘taking the silk’. When a lawyer is designated as a senior lawyer, people are quoted as saying, “He has taken the silk” indicating that he has been promoted; the origin of the term comes from the fact that the lawyer can now wear a “silk” gown (Fletcher 2012, Reeves 1998). Personal assistants and secretaries wear formal clothes and a black jacket. As they are not lawyers by profession they are not expected to wear the gown and band. The workers for the court, namely the *hamals*, peons, *chopdars* and *jamadars* have a distinct red and white uniform that makes them stand out against the crowd (see Image 139). Litigants, general public and journalists are not subject to any prescribed dress code.

Between the three high courts, the Calcutta High Court adhered to the dress code the most. The Bombay High Court and the Madras High Court also agreed that the uniform was necessary but they allowed for a certain amount of flexibility in the modifications to the dress code. Common to all the high courts was the fact that every person believed that a uniform of some kind was required to set them apart from the “other”. The consideration of the weather was part of the discussion and in that context, certain persons felt that during the summer months, the black gown could be given a break, but a uniform is still necessary and therefore, the black and white combination for clothes

---

judiciary should be in the post-colonial period. Further, he states that when there are debates and arguments on following the common law tradition of judicial dress it is important to remember that these traditions are being modified in Britain itself. McQueen points out that the legal profession is considering the practice of the continuation of wearing the wig and the gown in ‘the courtroom of the 21<sup>st</sup> century’ (1999:53). Therefore, McQueen believes that, ‘The wig should be consigned to its rightful place as a collector’s item’ (1999:53). McQueen also connects the discussion on the judicial dress to the politics of the existing times when earlier it was linked to the relationship it created between the legal profession and the Crown and how now the demand for the removal of the wig is linked to the removal of a monopoly of privilege that the profession has gained over time.

<sup>237</sup> The *Bar Council of India Rules* provide for the ‘Form of Dresses or Robes to be Worn by Advocates’ under Part VI, Chapter IV.

<sup>238</sup> Senior Lawyers, casually referred to as Senior Counsels, are an appointment of the court. A Bench of judges select a lawyer as being capable of becoming a “senior” and invites them to become a Senior Lawyer. It is therefore an important titular position. A junior lawyer can also apply to become a senior lawyer and the case is then reviewed by a Bench of judges of the high court.

<sup>239</sup> The choice of cloth is personal to the judge and/or the lawyer; it is not mandatory that the gown be made of silk.

must be followed. On the wearing of the wig, most persons were opposed to bringing back this tradition, the weather being a decisive factor. One lawyer from the Calcutta High Court commented that judges are already hot headed and if they were to wear the wig, it would only increase the heat on their head.

When asked about the gown makers, each of the three high courts had a popular name that was most frequented. The basic uniform for a judge is a full sleeve gown with a square flap, with ribbon work on the sleeves and pockets and a black jacket inside. Senior lawyers wore the same gowns as judges. Lawyers wore a pleated gown, without the square flap and a regular black jacket inside. The white band was common for all court actors.

In the Bombay High Court Dattatre Dandekar and Company is famous for gown making. Several lawyers, whom I interviewed, in the Bombay High Court, mentioned that they all got their gowns stitched from Dandekar. Readymade gowns are available within the high court premises but most judges and lawyers prefer to get their gowns stitched. Some lawyers recollected that fathers passed on their gowns to sons; and others remembered that the gown was a gift from their senior to them at the time of joining the profession. At the time of my fieldwork, Mr. Narayan Dandekar's daughter was running the shop since his passing away in 1999. The shop is over hundred years old – a milestone they crossed in 2009 (Kumar 2009). Family members have run the shop since its very beginning and Dandekar, from the second generation, was a specially trained tailor. A gown takes an average of eight to ten days to be completely ready and the price varies depending on the kind of material selected.

Ali and Sons has been the established gown maker for judges and lawyers of the Madras High Court. On speaking with the current owner of the store, he informed me that they had been around for more than hundred years and he was currently the fourth generation of gown makers from his family continuing the business tradition. He mentioned that the style of the gown has not changed since the British times, and continues to be the same. Initially gowns were hand sewn however, now with machinery available this practice has stopped. The owner mentioned that he had noticed a pattern of gown purchase over the years. Initially lawyers would use the same gown for over twenty years as they would believe it was a lucky gown and did not want to change their

fortunes. However, with the changing times, he has noticed that lawyers purchase gowns more frequently, on special occasions and other similar dates. There is also a tradition of a senior lawyer giving his/her junior lawyer a gown when they enter the profession. It was a form of blessing handed over to the new lawyer at this important juncture of their life. On asking about the price range of gowns, the owner mentioned that the cost depended on the purchaser, typically depending on the money they wanted to spend and the type of cloth they selected.

While the white band remained the same for judges and lawyers, interestingly, these gown makers had created a special band for women lawyers (see Image 140). This band has an inbuilt collar with the two prongs of the band attached to it. It is made for dresses that do not have a collar, like *sarees* or *salwar kurtas* and is hence specially for women lawyers. I noticed the presence of such a band only in the Madras High Court and not in the Bombay High Court or the Calcutta High Court.

Even though the family is still in the business, at some point, there was a split and another brother started Alisons Lawman Shop, which also makes gowns. When I spoke to their owner, he mentioned similar details as enumerated above. He stated that earlier the gowns were stitched in daylight as there was no electricity. He also said that there were two kinds of cloth available to make the gowns; the Japanese or the Italian cloth which were expensive, or the cheaper Indian cloth variety. He mentioned that the cost of gowns start from ₹2,300 and can go up to ₹50,000. The owner said that he learnt the art of stitching the gown from his father who had learnt it from his father and so the tradition continues when he teaches this to his son. The owner of the other shop also echoed the same sentiment.

In the Calcutta High Court, the most common name for making gowns was Gajkumar and Brothers. When I entered the store I noticed that they did not exclusively sell only gowns. They also sold different kinds of clothes, most of which were woollens.<sup>240</sup> The owner mentioned that the style of the gown has not changed over the years and the cost depended solely on the kind of cloth selected. The starting price of gowns was ₹800

---

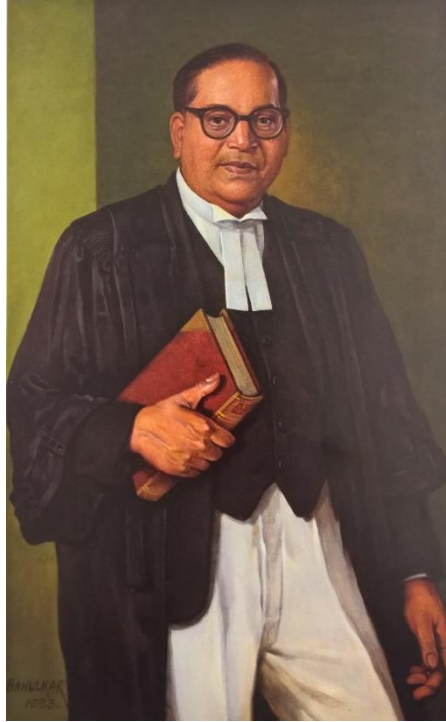
<sup>240</sup> This was seasonal as I was in Calcutta during the winter. The owner said they usually sell woollens all through the year but the stock varies as per season. During the summer they also sell umbrellas.

and went up to ₹13,000. He stated that they had been around and in the business for at least eighty years. One had the option to purchase readymade gowns or get one stitched which could take up to five days to make.

In the Calcutta High Court, on the first floor corner towards the back end of the court, there is a person who sells the lawyers band. He also sells a special stiff collar with a button (see Image 141). This can be worn around the neck if the dress does not have a collar and then the regular band is worn below it. The Calcutta High Court also has an additional white band that is made for its lawyers, other than the regular white band worn by lawyers across the other high courts. This band is referred to as the “mourning band” and is worn when someone passes away and there is a full court reference for the same (see Image 142). At the time of attending the full court reference, the advocate is expected to change bands and wear the “mourning band” instead. This band is different in that the regular lawyers band is two pronged, whereas the “mourning band” has the three oblong prongs fused together. One lawyer informed me that judges are very particular that a lawyer switches to wearing this band and they are often seen correcting a lawyer in court if they have not worn the “mourning band” when required (see Chapter 5).

Another distinction in the dress of the lawyers of the Calcutta High Court is that in most high courts and in the Supreme Court of India, a senior lawyer is identified by his/her gown which is distinct from the lawyer’s regular gown. The senior’s gown has a square flap at the back upper portion (it is the same gown worn by judges). In the Calcutta High Court, I often noticed several lawyers, both senior and junior wearing the black gown with the square flap. When I asked several persons in court and the gown makers they indicated that this was a tradition brought to the Calcutta High Court from the appellate side lawyers who would wear the gown with a square flap, unlike the original side lawyers. The appellate side lawyers would wear the gown with the pouch at the back, which is considered as the regular gown for lawyers as of now. Somehow, this tradition has continued and now junior lawyers select whichever gown they prefer causing a slight confusion as to the designation of lawyers in the Calcutta High Court. The way to distinguish a senior’s gown is then to look at the long length of the sleeves that are unique to their gowns.





**Image 138:** Portrait of Dr. Ambedkar  
Wearing the Gown and Band  
*Source: Samant-Gupte (2014)*



**Image 139:** Chopdar, Bombay High Court  
*Source: Mehrotra and Dwivedi (2004)*



**Image 140:** Band for Women Lawyers,  
Madras High Court  
*Source: Dr. Pratiksha Baxi*



**Image 142:** Mourning Band,  
Calcutta High Court  
*Source: Dr. Pratiksha Baxi*



**Image 141:** Band with a Stiff Collar and  
Button, Calcutta High Court  
*Source: Dr. Pratiksha Baxi*



**Image 143:** Sketches from the Madras High Court  
*Source: Rajah (2012)*



# Battle over SoBo flat and other assets resolved with unusual speed

## 3-hour drama in HC: Judge clears court to settle dispute between son, aged parents



**By Deewanki Deshpande**  
**A** high court judge has ended a property dispute between a man and his aged parents, which would have dragged on for years, just four months after it first came up for hearing. On a dramatic day in Court 19 on the first floor on the Bombay High Court on August 30, Justice Rohan S Dalvi ordered her courtroom vacated by everyone but the two parties - including their lawyers and close relatives - while the family arrived at a settlement. While it is not usual for a court to push for an amicable settlement in such disputes, what is unprecedented is the manner in which it was done. Not only did Justice Dalvi order everyone out, she also ordered a court clerk to ensure the family's privacy while they tried to settle the dispute through discussion rather than litigation. The dispute is between Sayrakant Shah (82) and his wife Indira (76), and their son Neelgaj (50). The matter came before the high court in May, sayrakant alleged that he was the tenant at Chhatrali Mansion, Chokkypaty, in which he had lived since 1965.

**HOW IT HAPPENED**  
**3.45 pm:** Case comes up for hearing.  
**4.15 pm:** Realising the case will go on for some time, Justice Dalvi discharges her board (clears all other cases that were scheduled for hearing) to focus on this one. Six or seven people who were waiting their turn, and their lawyers, leave the court.  
**4.30 pm:** The judge orders both parties' lawyers to leave. She sits down with the family and speaks to them for 10 minutes.  
**4.45 pm:** Justice Dalvi asks a court clerk to ensure the family has completed a court order to ensure the family has completed a privacy while discussing a possible settlement.  
**7.30 pm:** The parties inform the judge that they have reached a settlement.

Image 144: Sketch of a Judge from the Bombay High Court  
 Source: Mumbai Mirror, 6 September 2012



(From left) The lawyers for Tata Motors, Siddhartha Mitra and Samaraditya Pal, and that of the state government — advocate-general Anindya Mitra, Kalyan Bhandopadhyay and government pleader Ashok Banerjee — in the courtroom of Justice Saumitra Pal. The sketch by Suman Choudhury was done outside the court on the basis of a description by The Telegraph's reporters

Image 145: Sketch from the Singur Case in the Calcutta High Court  
 Source: The Telegraph, 23 June 2011

As I observed, the dress was an important aspect of the lives of the actors of the court. They attached significant importance to the dress code and identified themselves as being separate from the general public and the litigants due to this. The dress provided a sense of entitlement and therefore became important in terms of the legitimacy it bestowed upon the persons wearing it. The dress thus becomes one of the foremost and primary images that are created when observing the visual field of the law. The law manifests itself in the ocular in the most dramatic way through the dress code of the court. In the course of my fieldwork, I experimented with the dress I wore to understand how responses and interactions changed. While in the Bombay High Court and the Madras High Court there was a sense of flexibility with the dress code; in the Calcutta High Court I was expected to wear the gown and band if I referred to myself as a lawyer. Further, if I wore a white shirt, black pants and a black blazer, in the Bombay High Court and Madras High Court it was sufficient to consider me as a lawyer. In the Madras High Court, there was a separate entrance for lawyers and litigants/general public. I was allowed to access the court from the lawyer's entry gate in this dress. In the Bombay High Court, the entrance for the lawyers and litigants/general public was the same; therefore, the dress code was not checked while entering. In both courts, while seated inside courtrooms, often persons would ask me procedural questions based on the assumption that I was a practicing lawyer due to the dress code I was following. At some level, it is presumed that only a lawyer would dress in black and white and no other persons would come to court dressed in these colours. Litigants and the general public were not seen dressed in the same way.

While in the field, I also asked if persons thought that litigants should come to court dressed in a particular way. While in the Bombay High Court and the Madras High Court almost all persons said that no dress code applied to litigants and they could come to court dressed as they pleased, in the Calcutta High Court I found several persons who insisted that even the litigants should dress in a formal manner. Several lawyers mentioned the colour red and how that should not be worn in court and litigants should dress in a basic formal tone that is respectful towards the court. The colour red in this case presented itself as a motif for something that was not permissible and out of the norm.

Therefore, along with playing on the ocular, the dress code creates a distinct identity for persons who belong to the court and the “outsiders” who are marked as different. These “outsiders” are often the persons who come to court seeking justice and therefore the role of the dress creates a separation for them from the court and restricts their access to justice instead of enhancing it. In the Calcutta High Court, while I sat in different courtrooms I was often corrected on the basis of the dress code I was following, and even slight variations were not permitted. Lawyers sitting inside the courtroom would come correct me if my shirt was not completely white or if I was not wearing the band. It was a constant issue during my fieldwork in the high court. I often tried to explain to them that as per the *Bar Council of India Rules*<sup>241</sup> advocates appearing before the courts were subject to the dress code and since I was only attending court proceedings, it did not apply to me. However, this was not an acceptable justification. Being a lawyer myself, I was subject to strict rules, and the dress code was all-important and applicable to me. On the other hand, in the case of litigants, access was completely denied to the dress and therefore to the court in an extended sense.

The ocular of the dress thus creates an iconophobia of the court and its rules. The policing of the image of court actors creates a semiotic association with the dress code of the court and defines the ambivalent relationship that the law shares with its image.

---

<sup>241</sup> Form of Dresses or Robes to be Worn by Advocates (*Rules under Section 49 (I) (gg) of the Act*): Advocates appearing in the Supreme Court, High Courts, Subordinate Courts, Tribunals or Authorities shall wear the following as part of their dress, which shall be sober and dignified.

I. Advocates

- (a) A black buttoned up coat, chapkan, achkan, black sherwani and white bands with Advocates’ Gowns.
- (b) A black open breast coat, white shirt, white collar, stiff or soft, and white bands with Advocates’ Gowns.

In either case wear long trousers (white, black striped or grey), Dhoti excluding jeans.

Provided further that in courts other than the Supreme Court, High Courts, District Courts, Sessions Courts or City Civil Courts, a black tie may be worn instead of bands.

II. Lady Advocates

- (a) Black full sleeve jacket or blouse, white collar stiff or soft, with white bands and Advocates’ Gowns. White blouse, with or without collar, with white bands and with a black open breast coat. Or
- (b) Sarees or long skirts (white or black or any mellow or subdued colour without any print or design) or flare (white, black or black stripped or grey) or Punjabi dress Churidar Kurta or Salwar-Kurta with or without dupatta (white or black) or traditional dress with black coat and bands.

III. Wearing of Advocates’ gown shall be optional except when appearing in the Supreme Court or in High Courts.

IV. Except in Supreme Court and High Courts during summer wearing of black coat is not mandatory. In the change brought about in the Dress Rules, there appears to be some confusion in so far as the Sub Courts are concerned. For removal of any doubt it is clarified that so far as the courts other than Supreme Court and High Court are concerned during summer while wearing black coat is not mandatory, the advocates may appear in white shirt with black, white striped or gray pant with black tie or band and collar.

On one hand, the dress code is expected, required and implemented and on the other hand it is this authoritative nature of the law that is revered. This dichotomy of the visual policy of the law clearly manifests through the implementation of the dress code within the court.

### **SECTION 5: PHOTOGRAPHY, VIDEO RECORDING, LIVE TELECASTING AND COURTROOM SKETCHES**

The ocular manifests itself best in the images of the court. In terms of what the court physically appears to be, one is often only restricted to the exterior view of court buildings. A common mode of restriction visible across the three high courts is the ban on photography and video recording in courts. While the rule is implemented strictly across all the three high courts, it is unclear as to why the rule is followed. In most cases, persons follow it because that is what they have known the rule to be. The ban on recording an image of the interiors of courts thus becomes a tool whereby which the court controls its visual narrative and maintains the aura of awe and dignity around itself. Implementing a ban on the ocular creates a divide between the court and the persons visiting it and thereby restricting access to justice by shrouding the internal working of the court in secrecy.

My questions during my fieldwork interviews revolved around asking the court actors whether they thought photography and/or video recording of the court and court proceedings should be permitted. I also questioned if they knew why there was a ban on photography in court. In addition, I asked if in the alternative, courtroom sketches should be allowed and whether the court was ready for live telecasting of courtroom proceedings. The responses based on these questions was evidence of the relationship that the court shared with the way it is visualised and the inherent violence in the law that allows for such banishment of the ocular.

Most of the persons in court, across all three high courts of Bombay, Madras and Calcutta, agreed with the rule on prohibition of photography and video recording in court. Most felt that photography of courts was not required. This ban on video recording extends to journalists and reporters in court who are not permitted to carry video recording equipment; they are only permitted to handwrite the proceedings. Most

persons also felt that the time was not right yet for courts to adapt to live telecasting of proceedings, and that the court often dealt with private matters making this issue debatable. The rules on courtroom sketching were ambiguous as most persons were unaware if sketching was permitted but largely they were not opposed to courtroom sketches. In the case of the Bombay High Court and the Calcutta High Court I found sketches of court proceedings in newspaper articles published in the respective cities.

### **5.1 PHOTOGRAPHY AND VIDEO RECORDING**

The court personnel with whom I spoke to in the Bombay High Court on the issue of photography, all of whom were in agreement with the ban, stated that photography should not be allowed as, ‘the judiciary should not be in the limelight’. One private secretary to a judge was clear that, ‘judges should be private people. People should not be allowed to approach them as this leads to bias and prejudice’. In the Madras High Court, one court staff felt that photography and recording would further delay justice and lead to a pile up of cases that is not required. Several court staff were of the opinion that this was part of the discipline of the court and was thus being followed. One court staff was clearly opposed to photography in court because according to the staff if one was to take pictures, then the judges would be exposed to the public which is not good as litigants should not know who the judges are.

A bulk of the lawyers that I spoke to in the Bombay High Court agreed with the ban on photography. In most instances, the lawyers were unaware of the reasons behind the ban but were still in agreement with it. Some lawyers reasoned that the court was a public space so any person could come view proceedings and therefore photography was not required. Some persons also thought that photography would hamper the remittance of justice as the court needed to be, ‘free from all factors to function’. Most lawyers in the Madras High Court agreed with the ban on photography of the court and some said that this ban has been in place since historical times and it is this tradition that continues to be followed. Some lawyers stated that the taking of photographs in court would be a distraction and therefore not required. A few lawyers also opposed photography because they felt it would violate the privacy of the persons in court. They were quite adamant with this view and clearly held that photography should not be allowed. In the Calcutta High Court, almost all lawyers I spoke to said that photography and video recording should not be permitted. Some felt it would disturb the court and

the pictures could easily be misused and as such it was important that photography not be allowed in order to maintain the decency of the court. On the question of video recording, some felt that if the lawyers knew they were constantly being recorded they would change who they naturally were. Some lawyers argued that the high court is already a Court of Record and therefore additional photographs are not required. A lawyer practicing since the 1980s specified that photography should also be restricted for reasons of security and safety of the court as it could lead to attacks on the court. While this was one reason, some others felt that photography would interfere with the court proceedings and reduce its sanctity, and hence must not be permitted.

In the Bombay High Court, a Judge agreed with the ban on photography as, ‘the court was not a public space where you come and take photos’. Another Judge, who was also opposed to photography in court, stated that allowing photography would distract the proceedings of the court and would force everyone to be on guard. The freedom that the court had would be curtailed, as it would not be comfortable to be watched by someone who was not connected to the performance of the act. A Judge in the Madras High Court explained that often matters that came to court were private matters between individuals and therefore it is not required to photograph or record these things. Another Judge was of the opinion that taking photographs or video recording the court would affect the seriousness of court proceedings and the court would become a ‘public spot’. Some Judges were of the opinion that photography of the court should not be given permission, as this would change the idea of the court in the eyes of the people as several things happen in court. One Judge clearly said that it would ‘reduce the idea of the court in the eyes of the people’.

A lawyer in the Bombay High Court opined that photography and video recording should be permitted in court and photographs of the court building should also be allowed. However, this lawyer was cautious while stating that if, as of today, someone was caught taking a photograph in court, then that person must be held in contempt because the current law of the court does not permit photography and the rules of the court must be followed. The lawyer also said that taking a photograph of an empty court should be permissible. Another lawyer, who had been in practice for twelve years, believed that photography and video recording should be allowed in courts as, ‘this might be good and help ensure good behaviour in the court. Everything would be



recorded and reviewed and therefore lawyers would not misbehave'. In the Calcutta High Court, a Judge had no problem with courtroom photography and said that it should be permitted. A senior lawyer, in the Calcutta High Court, with fifty-two years of practice said that photography should be allowed and it is only not permitted to maintain the sanctity of the court and to keep private citizens matters private. In the same vein, the lawyer felt that eventually video recording of court proceedings would commence and it would help expedite all cases. A young lawyer was surprised as the lawyer did not know that photography was banned and said that the lawyer had often taken photographs of the court on his cellular phone. The lawyer added that both photography and video recording should be permitted as it would bring transparency to the court functioning.

Since CCTV cameras were already placed in one courtroom of the Calcutta High Court several persons referenced that example when I asked about video recording. They often said that the case of courtroom number 24 was unique and mulled if this could become a regular feature in special circumstances where it would assist the court. Some gave the example of recording proceedings to save time and also to assist persons who cannot be physically present in court. However, they were clear that it would be for private and restricted viewing only depending on the case requirements. Some judges and lawyers distinguished between taking photographs of ongoing courtroom proceedings and just of the court itself. These persons opposed photography when court was in session but stated that pictures of the empty court, the corridors, the building should be permitted. In a similar vein, a judge and some lawyers said that during the oath taking ceremony, photography should be allowed. They also said that the Calcutta High Court was the only court that does not permit photography even during these ceremonies. A few other people agreed that ceremonial procedures could be photographed.

## **5.2 LIVE TELECASTING OF COURT PROCEEDINGS**

While discussing live telecasting of court proceedings in the Madras High Court there was a divided opinion as some lawyers felt that it was possible to do it for a few cases that were of public importance. Some judges agreed with this proposition. One Judge explained that live telecasting, like parliamentary proceedings does not apply to the

court. This is because in parliament the matters discussed concern the public at large; however, in court the matters that are discussed are private to individuals and therefore there is no need for a public display of the same. The Judge also felt that the time is not ripe yet and the court is not ready for live telecasting of its proceedings, a point on which other Judges concurred. Several lawyers opposed live telecasting and one lawyer reasoned that it would become a tool for advertising for lawyers causing people to approach only certain lawyers who were popular in the live telecasts.

In the Calcutta High Court, most of the judges and lawyers opposed live telecasting of court proceedings. While opposing live telecasting, one lawyer thought that maybe in the rarest of rare case, if required, otherwise live telecasting should not be permitted. Another lawyer felt that maybe it would be alright in cases of public importance otherwise it was not required. Some lawyers opposed it on the basis that they felt it would create a law and order problem. A senior lawyer with many years of practice stated that no one is interested in the daily happenings of court and said that, 'justice is a cloistered virtue which is what is in play over here'. A lawyer with few years of practice believed that the choice on live telecasting should be left to the judges to decide. Many persons opined that private matters occurred in court between private people and therefore such issues could not be telecast live as they did not concern the public at large. They compared it to live telecasting of parliamentary proceedings, which they said were different because they concerned the public. A senior lawyer practicing for forty years opposed live telecasting and said that people would just use it as publicity and go overboard with the desire to attract attention. Interestingly a lawyer felt that the public did not need all the information, as it was not necessary, and hence, live telecasting of entire proceedings was not required. Instead, the lawyer thought that information should be distilled and provided in a concise manner. Practicing since 1966, a senior lawyer said that live telecasting would take away the dignity of the court and therefore opposed it and a judge thought it would only cause pandemonium in court.

Some Judges agreed with live telecasting of proceedings as they thought it would be a good exercise in transparency during the court proceedings. Another Judge while agreeing with live telecasting had a different reason for the same. The Judge thought this act would help curtail the boycotts by lawyers in the Madras High Court and it

would allow the litigants to judge the lawyers rather than the judges. According to the Judge, clients would then be able to hold lawyers responsible for their behaviour in court. Some Judges and lawyers in the Calcutta High Court thought that live telecasting is alright as long as it does not disturb the court and should be permissible for some famous cases and trials so that public can have access to the same. While agreeing, another lawyer felt it necessary as this would force lawyers to behave in court and that the time for this change had come.

### 5.3 CCTV CAMERAS

Interestingly, while most persons in court opposed photography and/or video recording of the court, in the Madras High Court and the Calcutta High Court, a courtroom each was using another form of video recording, which had been approved and sanctioned by the judges and court registrars. This recording was done on CCTV cameras that were placed in one courtroom each of the Madras High Court and the Calcutta High Court.

In the Madras High Court, the CCTV cameras have been in place in court hall 1, the chief justice's court, since 2015 (Santhosh 2015). This installation was prompted by the continuous strikes, boycotts and protests being called by lawyers within the high court premises and specifically in the chief justice's courtroom (Santhosh 2015, see Chapter 4). When I asked several persons if the presence of CCTV cameras amounted to video recording of court proceedings they said it did not because access to the recordings from these cameras was restricted to the court registry and as such was not in the public domain. Therefore, no right to information<sup>242</sup> query could be filed to view these videos, as their primary purpose was to maintain law and order inside the chief justice's court hall and not for the recording of proceedings. One Judge pointed out that the video footage of the CCTV camera in this situation cannot be introduced as evidence under *The Information Technology Act, 2000*<sup>243</sup> and therefore the case of the CCTV cameras is different as it is not an authorised method of recording court proceedings. There are four CCTV cameras in the court hall – two behind the judge's

---

<sup>242</sup> *The Right to Information Act, 2005* provides for citizens to request information from a public authority in order to empower citizens, promote transparency and accountability in the working of the government, amongst other things.

<sup>243</sup> Act No. 21 of 2000.

bench and two at the opposite end in front of the judge's bench, placed in September 2015 (Santhosh 2015).

CCTV cameras of a similar kind abound the walls of courtroom number 24 in the Calcutta High Court. In this instance, the judge presiding over a case in courtroom number 24 ordered the installation of CCTV cameras. The case of the CCTV cameras in this courtroom is unique. There are two cameras installed – one behind the judge's bench and one in front of the bench, on the right wall of the court when facing the judge. This court is presided over by Hon'ble Mr. Justice Aniruddha Bose. The judge ordered the installation of CCTV cameras in this courtroom for one specific case where a particular lawyer has made allegations against the court and opposing lawyers. The lawyer would often change statements, make allegations and proceed with filing criminal cases against opposing lawyers. In light of this, it was decided to install CCTV cameras in this courtroom to record the behaviour of all persons concerned with the case and to prevent from backtracking on statements made in court.

While the cameras are physically installed in the courtroom and therefore exist at all times, they are only switched on when this particular matter is heard. When this matter is listed and it comes up for hearing, the court announces and informs everyone present that the cameras will now be switched on and recording will begin. When the matter is completed, the CCTV cameras are switched off. Therefore, the cameras are not in use for all matters that happen in courtroom number 24 but are restricted in their use for this one particular matter.

During my fieldwork when I asked the question if video recording should be something that the court must consider, some persons linked it to courtroom number 24 and the CCTV cameras already in place there. Some persons who had observed the recorded proceedings in courtroom number 24 felt the need for these cameras as they opined that it was good to record what was happening in that particular courtroom and therefore felt that maybe it would be applicable and useful in other cases too. Many persons, including judges and senior lawyers, were unaware that there was a courtroom in the high court that had CCTV cameras installed. It was clear that the decision of installing the CCTV cameras in a particular courtroom was taken by the judge who presides over that courtroom, as a few persons mentioned, a judge is entitled to decide how his/her

courtroom functions. Further, the recordings thus made available were restricted to the custody of the judge and were not available for public viewing.

#### **5.4 COURTROOM SKETCHES**

On the question of sketches, persons in the Bombay High Court were of the view that this issue was subject to certain factors. For example, if it was a caricature of a judge in good taste then it is a form of freedom of speech and expression and therefore it is permissible as, ‘across the world there are always caricatures of judges that are shown, they never show the real image of a judge’. Sketches according to one lawyer were a part of one’s imagination and could be held in contempt if they are insensitive to the independence of the court, judges, lawyers and litigants. Therefore, while most agreed to sketches, they had to be subject to the idea of not causing contempt of court.

In the Madras High Court, some judges opined that sketches did not amount to photography and could therefore be permitted. Many persons felt that sketches are permissible as long as they are not contemptuous of the court. Some judges and lawyers agreed for sketches if the permission of the court and relevant authorities was taken. Other court personnel even believed that sketches once created could be made public. Most lawyers were also agreeable to sketches being allowed. One lawyer, who did not have an objection to sketches, thought that the judges would not allow it. Another lawyer was sceptical stating that sketches could inadvertently lead to mockery, even if unintentional and therefore would be best if avoided. Another lawyer agreed and said a sketch could lead to several interpretations and therefore should not be brought into the public domain. One lawyer mentioned the presence of sketches on display in the Madras High Court museum. The lawyer said that such sketches should be allowed (see Image 143).

Some lawyers in the Calcutta High Court were alright with the idea of courtroom sketching as they referenced the already published sketches in newspapers. Several other persons did not know about rules relating to courtroom sketches and some felt that if the sketch were done in context it would be permissible. A senior lawyer believed sketches should be allowed, and he opined that if a person made a sketch privately and published it, the permission of the court is not required. The lawyer felt that judges should have a ‘sense of humour’ and not hold persons in contempt even if they drew

cartoon sketches of courtroom proceedings and/or judges in court. A number of lawyers agreed that one must go home and make sketches and not sketch while sitting in a courtroom. A lawyer pointed out that there have been times in the past when persons making sketches have been hauled up and told to leave the courtroom. The lawyer felt the sketches made should be from imagination instead. Yet another senior lawyer with fifty-five years of practice opined that while sketching would be alright these images should not be made public. Another young lawyer with two years of practice felt that sketches should be allowed, and that there is no reason to object to the same.

One Judge was greatly in favour of courtroom sketching as the Judge stated the most prized possession in the living room of the Judge was a caricature sketch of the Judge made by a junior lawyer while attending court proceedings presided over by the Judge. Several other Judges were also comfortable with the idea of courtroom sketching. While two Judges accepted the idea of sketches, the Judges were clear that the sketches should not be such as to undermine the dignity and majesty of the court. In the same vein, some lawyers agreed that it should not hamper the court proceedings and then it would be permissible. A few lawyers answered that the court is a public space and therefore sketches should be okay and some said that sketches are fine depending on the case. A lawyer practicing since 2007 argued in favour of courtroom sketches reasoning that a sketch could have been made from imagination and not necessarily just by sitting in court. Further, this lawyer felt that providing courtroom sketches would increase the transparency of the court and help the public increase their belief in the court and its system. It would also lead to better public access to courts as currently people do not like to come to court and possibly this would help change certain notions about the court.

One senior lawyer practicing since 1964 strongly felt that sketches should not be allowed; but also pointed out that there have been sketches in the newspaper and no one has objected to the same so far. A young lawyer who had recently joined the practice felt that courtroom sketches were not necessary as what, 'goes on in the courtroom is not required for the public'. The lawyer felt that instead legal ideas needed to be published. A few other lawyers also agreed that sketching should not be permitted. A lawyer opposing sketches felt that through sketches one should not influence the public opinion with their personal opinion.

During my field research, I did come across sketches as a part of newspaper articles in the cities of Bombay and Calcutta. In relation to the Bombay High Court, the sketch was of Hon'ble Mrs. Justice Roshan Dalvi that appeared in the *Mumbai Mirror* newspaper dated 6 September 2012 (see Image 144). This sketch appeared on the front page of the newspaper (Deedwania 2012). The article refers to a case before the Bombay High Court where there was a dispute of a flat and some additional assets between a son and his aged parents. Accordingly, the article mentions how the judge realised that the matter would take some time and therefore discharged her Board for the day and all other lawyers and litigants waiting for their case to come up also left the courtroom. The judge then asked the lawyers of both parties to leave the court. A court clerk was instructed to ensure privacy for the family while they attempted to reach a settlement. The case which came up at 3.45 pm ended at around 7.30 pm according to the newspaper report (Deedwania 2012). Along with this write-up, on the front page of the newspaper was a sketch of the judge in an animated form, with her hand up as though giving some directions. The depiction of the judge in the said sketch is a copy of her features and characteristics as they are. It is not an imagination or idea but it is an actual sketch of what the judge looks like. Though most persons that I interviewed had not seen this sketch, when I informed them about it, they were unsure of what should be permitted and whether this would be acceptable.

More sketches have been seen in newspapers in Calcutta. When I spoke to persons in court about sketching several pointed out to the sketch that was a part of the Singur Case<sup>244</sup> that appeared in *The Telegraph* newspaper. This sketch appeared in the newspaper on 23 June 2011 in Calcutta (see Image 145). The sketch depicts five lawyers in conversation with a judge, whose back is facing the viewer. The caption for the sketch names the lawyers present along with the name of the judge. Interestingly, the caption includes an important disclaimer. It reads, 'The sketch by Suman Choudhury was done outside the court on the basis of a description by The Telegraph's reporters' (Our Bureau 2011). Most persons in court recollected that at the time of the Singur Case several sketches appeared in the newspaper. The press is not permitted to

---

<sup>244</sup> The Singur Case refers to the controversy regarding the acquisition of farmland in Singur by the government of the state of West Bengal to give to Tata Motors to construct a factory to build the Tata Nano car.

take cameras into court and therefore can only make handwritten notes on the basis of which they prepare their reports. The disclaimer links to the suggestion that one should make sketches outside the court from an imagination of what one has seen in the court, which would then possibly be permissible.

### **5.5 THE RESTRICTED IMAGE**

Looking specifically at these aspects of the ocular through tools of photography, video recording, the installation of CCTV cameras, live telecasting of courtroom proceedings and courtroom sketches puts out a pattern on the restriction that is placed on the image. This restriction extends not only to the accepted and unaccepted image but, as the case in courtroom number 24 in the Calcutta High Court shows, the very production of the image itself is censored. The majority of persons I spoke with opposed photography in the court and were not in favour of video recording as an idea for the court to consider. Along with this live telecasting of court proceedings was not a favourable consideration. The installation of CCTV cameras in both cases were for exceptions and most persons preferred to restrict its use to these unique situations only. Since there was an ambiguity on whether courtroom sketches were allowed, most persons thought that it would be okay but with reasonable restrictions.

These restrictions were a common thread in all the three high courts where there was general agreement on this visual aspect. While something in a text form creates a moment of interpretation, when an image is represented a moment of affect is promulgated making the role of the image of great significance. Judith Butler (2007), although in a different context of the ethics of photography during war and torture, talks about the idea of the image in terms of how a sense of justice is mediated through photography. When a photograph is taken and an image is captured, it does two things – it remembers the law and it records the law. The question that the law is concerned with is what frame is being constructed and whether, with certain images, one sees within the frame, outside of it, or two distinct visual dimensions. Often images can be overwhelming and the representation of law, which is usually considered as what is inside the frame makes space for the critical role that visual culture plays at such times. As Butler says, ‘To learn to see the frame that blinds us to what we see is no easy matter’ (2007:966). In this ambivalent relationship, the law works towards controlling the view within the frame.



**SECTION 6: CEREMONY AND RITUAL IN COURT PROCEEDINGS**

Culminating all these attributes of justice into one process is the ceremony and ritual of daily court proceedings. Several studies about courts in India (see Basu 2012, P Baxi 2014, Berti 2010, Galanter 1989, Moog 2003) describe the performative nature of law; however, this work does not focus on the visual culture of the courts. The field of judicial iconography requires the court to be looked at through a visual lens to explore the relation between law and the image. While there are socio-legal studies about the Indian legal system and the courts of law, these focus on issues such as the legal profession or detailed areas of substantive law (U Baxi 1986, Das 1974, Schmitthener 1968-1969) and not on a specific visual culture of the courts.

Ethnographic work on courts in India and across the world like the courtroom study by Daniela Berti (2010) suggest that we may think of the relationship of law and belongingness, where courts may be thought of as spaces of contesting local moral communities. Pratiksha Baxi (2014) suggests that the rape trial may be thought of as a space of performing public secrecy. Srimati Basu's ethnography, on the other hand, narrates how litigants experience legal authority in courts where they are compelled to 'conduct their own cases by assembling their own petitions and court documents, organizing and maintaining files, showing up at hearings, cross-examining witnesses, managing appeals' (2012:484). Merry's ethnography of a family court in Hawai'i shows how courts are performative spaces and court hearings are critical sites for the 'creation and imposition of cultural meaning' (1994:36). Elizabeth Mertz suggests that the centrality of language is performative for 'language is socially grounded, structuring and being structured by social context' (1994:662). By emphasising the gendered aspect of courtroom talk, Bryna Bogoch demonstrates how 'language directed to women professionals in the courtroom impeded and undermined their claims to expertise and reproduced hierarchical gender relations...women were spoken to differently than men in ways that undermined their professional status' (1999:367). The works of Merry (1994), Mertz (1994) and Bogoch (1999) show how the courtroom becomes a performative space, like a theatre, through dress and language, as has been explored in this chapter.

Expanding this existing framework of looking at the court as a performative space is where the field of legal anthropology makes way for a judicial iconography of the court

to be conducted. Bringing all these attributes of justice into one process is therefore the ceremony and ritual of daily court proceedings. The process was similar across the Bombay High Court, the Madras High Court and the Calcutta High Court and therefore I provide a general description of these rituals. The various attributes of dress, language, structure and architecture all play out during the orchestrated courtroom rituals and traditions. The entire format of courtroom proceedings is a display of how the court uses different methods to maintain a particular image of justice that is self-created in order to maintain the majesty and dignity of the court. The architecture of courtroom proceedings is thus a culmination of the smaller aspects of courtroom behaviour that finally result in the defining features of its hierarchical supremacy.

Based on my participant observation in these three high courts, I describe a typical day and method of functioning in a courtroom. The court starts at the designated time which varies across the three high courts.<sup>245</sup> Court officers usually arrive earlier and are seated in court before the commencement of proceedings. Judges reach court and enter from the separate judges designated entry. All the three high courts have a separate entrance that is only for judges. Judges have a white car with a red beacon on it that brings them to court. When the judges arrive at their entrance, the particular judge's *chopdar* along with the assigned police officer waits to receive the judge. Each judge has an individual police officer assigned to them who walks along with the judge to court, sits outside their chamber, and outside the courtroom where they are seated. In the Bombay High Court and the Calcutta High Court the judges have their own corridor through which they enter the courtroom. In the Madras High Court, as mentioned in Chapter 4, they walk along the common corridors of the court. When a judge walks, they are preceded by court staff and followed by a police officer. The *chopdar* carries the silver mace while walking in front of the judge.

The *chopdar* enters the court first which is an indication for all present in the courtroom that the judge is arriving. On seeing this, all persons present in the courtroom stand up. The judge enters and is seated. All persons in court bow towards the judge's bench and are then seated. After this, the court proceedings begin. The *shirestedar* who is usually

---

<sup>245</sup> The Bombay High Court starts at 11 am, the Madras High Court and the Calcutta High Court start at 10.30 am.

in charge of the Board calls out matters as per the list. Lawyers take their designated positions and court work commences. This continues until it is time for lunch break. When lunch time approaches, the *chopdar* enters court and stands behind the judge's chair. This is an indication that it is time to break for lunch. In the case of the Madras High Court, along with this, the bell is rung (see Chapter 4). On seeing the *chopdar* all persons in court stand up. As the judge leaves the court everyone bows towards the judge. The practice is repeated when court commences after lunch and closes at the end of the day. While court is on, people in court bow while entering and exiting the court. In the Madras High Court often people folded their hands in the *vanakkam* formation. In the Calcutta High Court not everyone followed the bowing protocol while in the Bombay High Court most persons followed this practice.

The seating arrangement in court is such that ahead of the elevated judge's bench is the space for the judge's staff (see Images 39, 81 and 117 for the Bombay, Madras and Calcutta High Court respectively). Usually there is a table with books between this space also. Behind that is where the lawyers stand or sit. Behind them is the space for litigants and/or general public. Often I noticed in court that if a senior lawyer entered, a junior would give up their seat for the senior lawyer. Most of the courts did not have specific space for journalists and they often stood near the court staff's desk in the courtrooms. While I visited different courtrooms of the three high courts through the course of the day, I observed several activities in and characteristics of the court. In most courtrooms, there was a paucity of space and limited place to sit. Courtrooms were mostly crowded and had people standing all throughout. This was specially the case in the morning session but carried forward to the afternoon in many courtrooms. This was also the case in large courtrooms. Often if there was place to sit at the back, once seated, the judge's bench would not be clearly visible or audible due to the presence of lawyers and other persons standing in the front. As the day progressed and towards the end of the day, several courtrooms would be less crowded.

This description is a basic explanation of how it is to visit a courtroom on a daily basis. There are several other activities happening in and around courtrooms during the course of the day. Often the corridors are bustling with people and there are not many benches to sit on. Therefore, most people are found standing. In the Bombay High Court and the Madras High Court there was no restriction on who could enter the courtrooms and

every person was allowed to carry all their belongings and enter. However, in the Calcutta High Court, litigants and general public were prohibited from carrying anything into the courtroom so they were compelled to leave their bags outside near the entrance of the courtroom, at their own risk without any security for their belongings.

While inside the courtroom, one has to maintain silence as far as possible. Courtrooms react to the audible sounds differently. In the Bombay High Court if a cellular phone rang in court, in most cases the cellular phone would be confiscated and the person had to pick it up from the Registrar after paying a fine of ₹500. However, it did not happen in every case. Generally, in the high courts, if a person's cellular phone rang they were asked to leave the court. In some crowded courts persons continued their conversations on the cellular phones as no one could hear or see them. Outside one courtroom of the Bombay High Court there was a sign that read, 'No Plastic Bags Allowed in the Court'. I presume that it might be due to the sound created by the plastic bags. In the Madras High Court, I often heard court staff saying, 'shh' in order to remind the persons in court to maintain silence.

Reliving the courtroom experience is an important activity as it reminds of the different ways in which the court is accessible and inaccessible; sometimes to its "own" people and in other cases to "outsiders". A typical day in court would appear as a routine for some but a case of bewilderment for others. One of the first questions I asked most of the persons I spoke to across the three high courts was how they felt on their first day in court. Most persons felt a sense of awe and fear towards the court and the judges. Other people who had been acquainted with the court before working there did not have feelings of fear but instead felt a sense of respect towards the institution. Once used to the court there were no longer feelings of fear though there was always the idea that the court must be respected. Navigating the courts as a researcher was beneficial in some cases and complicated in others.

As I understood the court system from the visual field of law, I looked at it as a maze that complicates basic issues of access to justice by making the performance more significant than the process. The judicial iconography and symbolism that permeates the court structure is necessary for the courts to create a venerated image. However, there is reasonable concern that the image thus created leads to a change in the access

to justice in these court spaces. The different attributes of justice as discussed above come together in this process that enhance the visual image of the law and create an aura around in that appears accessible until it is entered into.

## CONCLUSION

With the background of the concept of iconography and semiotics applied to the practice of law and the reading of legal anthropology of courts across the world, this chapter follows the ideas and arguments of these readings and walks through the Bombay High Court, the Madras High Court and the Calcutta High Court with them. While using the registers of the different attributes of justice, I look at the multitude of ways in which the court behaves in the visual field of law. From creating judicial spaces that memorialise history in a certain way, to the insistence on a particular dress code and the banning of photography, the court has a multi-pronged approach towards controlling the image it creates. While the court is a public space and therefore open to all persons, it still shares an ambivalent relationship with its own image over which it wishes to maintain control and thereby create a perceived dignity of the court that everyone must preserve and uphold.

Comparing the three high courts at different registers raises several questions on how the judges and the lawyers in these courts understand the law as applicable to themselves. The ethnographic work in this chapter outlines how the permissible limits of visual iconography of courts is laid out and often defined by the judges and lawyers themselves. Further, the debate on the video recording of court proceedings raises questions on whether the court is a public space, and what the limits and extensions of this idea are. Some judges opined that permitting photography and/or video recording of court proceedings would make the court a 'public spot' questioning the notion of public space within the court. The use and control over language in the court seeks to point out how language is a form by which the court maintains its technical rationality. The debate on the dress code asks how the sartorial preference is inscribed in hierarchies; and the manner in which the law distinguishes itself to maintain a distance, in form and function, creating a clear attribute of what it means to dispense of the judicial function.

Bringing together the different aspects and behaviour of the court in terms of its visual, this thesis moves towards its conclusion on the effect that this control has on the way justice is accessed and questions whether a hierarchical and awe-based relationship with the court and its processes hinders the process of justice or advances it. Detailing nuances like the debates on the names of the high courts and the particular terms used to address the court, point towards how deeply entrenched certain ideas and notions of the court are and observes how changing or even suggesting a change in traditional practices threatens to alter the equilibrium of the process and therefore puts a question mark on whether a modification should occur or not. Having observed all these aspects first hand during fieldwork and being able to compare them through three high courts that commenced their existence at the same time, has allowed me to witness a pattern of similarity in a larger sense. This similarity extends to the idea of the court and its perceived notions. While the tools might be different, all three high courts, in some way or the other, perpetuate methods to control the ocular, whether it be through maintaining tradition or upholding the sanctity and dignity of the court.

## CHAPTER 7: CONCLUSION

### SECTION 1: LAW AND THE REGULATION OF ITS IMAGE

Symbolism exists in many ways and forms across different cultures and institutions. While this thesis focuses on symbolism and signs in judicial courts, the practice of observing and attaching signs and motifs to various situations is universal. The symbolism that inhabits Indian courts, however, offered an unexplored terrain yet to be discovered. My research on the three high courts of India hopes to open sociological imagination to view the law, and indeed the courts, within a new frame. In this perspective, I invite the reader as they wander into the court, to interpret the motifs viewed on a regular basis and attach meaning to it along with their own notions and understanding of what is observed without having a text in hand. This means that reading the symbolism of judicial iconography demands a certain kind of visual literacy, yet it is re-interpreted in different ways by lawyers, judges, litigants, archivists or visitors.

I have argued that there exists a specific kind of iconography that belongs to the court, providing legal signs and motifs peculiar to a semiotics of law. Walking through the first three high courts established in colonial India with a visual perspective assists in observing and describing the visual field of law. Speaking to persons associated with the court and its processes points towards the ambivalent relationship that is shared between law and the image it purports. Law tends to control the image thereby controlling the discourse on the way courts are perceived and viewed. This thesis highlights the different registers through which law regulates the visual. From the need and implementation of a dress code to referring to judges as lordships and changing the name of the high courts, there are a diverse form of manifestations that the ocular comes out through and manages the idea of justice with. Additionally, entry and exit into the court buildings and within courtrooms, along with judges being separated both physically and metaphorically and the following of different traditions like calling a “10.30” in the Calcutta High Court (see Chapter 5) or the controversy over the use of the central courtroom in the Bombay High Court (see Chapter 3) and the practice of strikes and boycotts in the Madras High Court (see Chapter 4), all come together to

present the court as for the people but distant from the people and thereby directly affecting the process of access to justice – both in the literal sense and in the physical sense. By way of conclusion, I list below the dominant themes that cut across the thesis.

## SECTION 2: ACCESS TO JUSTICE

Access to justice can be interpreted in a multitude of ways. In this thesis I look at the concept of access of justice in terms of how the law physically restricts the outsider along with how the law theoretically also creates an image of constraint that limits the access of the law. Reading Kafka (2015) specifically in his parable *Before the Law* contextualises this restriction on the access of justice for persons both within and outside the law.<sup>246</sup> The ideas enumerated in the text *Before the Law* by Kafka in 1915 translate into the legal problems of today. On reading the parable narrated to Joseph K. the text asks many questions. An important question is why the text is referred to as being “before” the law. Is it possible that before the law there is lawlessness or that there is no law at all? What then is the position of a person coming towards the law or approaching the law. The narration of the story leads you to ask what the parable stands for. The relevant understanding of this story that directly relates to this thesis is that when law exists or one is made to stand before the law, then the law auto creates restrictions and obstructions. The feeling of alienation is brought forward and a process of normalisation sets in. As a part of this “normalisation” one begins to accept and believe that the law is meant to be guarded by a gatekeeper and therefore the onus of crossing the barrier created before the law is on the person approaching the law and not the person dispensing the law. A blockade before something also symbolises that within this space some people are always out and some people are always in. The distinction becomes categorical.

The access to justice argument fits into this narrative. The man from the country in Kafka’s (2015) parable seeks his right to a day in court. However, there is a blockade to his access to the court. The blockade is set into motion by the gatekeeper while the ‘gate to the law stands open, as always’. The court structures that provide literature to this thesis are all buildings that have open welcoming front façades. However, when

---

<sup>246</sup> For the interpretation and discussion on this text I would like to thank Prof. Dr. Günter Frankenberg through his course at the Institute for Global Law and Policy (IGLP) Workshop, 2016.



one attempts to enter the courts from their main entrance, in the case of the Bombay High Court (see Chapter 3) and the Madras High Court (see Chapter 4), they are made to realise that this entrance is restricted and strictly for the honourable judges of the high court only.<sup>247</sup> The entrance for those seeking to assist the law or access the law is from another side. Even when entering there are restrictions based on whether one is a lawyer, a litigant or the general public. The entrance thus becomes the first symbol of visual control exercised by the court. As the narrative continues, the gatekeeper makes clear his position to the man from the country. He defines himself to be powerful but notes that even with this power he is the ‘lowliest gatekeeper’ and that ‘from room to room stand gatekeepers, each more powerful than the last’.

The restrictions on access to justice for litigants is illustrated in the case of *Sajid Ali v. State and Others*,<sup>248</sup> in the Delhi High Court. As referenced in the judgment, the litigant was not permitted to enter the court premises as he did not have a photo identity card. Due to this, the litigant was not given a gate pass and therefore denied access into the high court. The judgment further refers to an earlier Order of the Delhi High Court in the same case, that states, ‘The present case is one in a series of cases where it has been brought to our notice the difficulty being faced by the litigants in accessing the court system in the current gate pass regime’. The Order acknowledges that only for a want of a photo identity, the litigant who had travelled from far, was unable to enter the court premises and neither appear before the court in the said matter. In its present judgment, dated 3 May 2013, the high court notes similar difficulties in accessing the courtrooms in several other cases too. The judgment deliberates over judgments of the Supreme Court of India that mandate that any impediment to accessing the courtroom is an ‘impediment to the fundamental and human right of access to justice’. The judgment reiterates that the judiciary in India follows the open court principle which creates transparency and reinforces confidence in the court system. The court also clarifies that the right to witness court proceedings is not only restricted to litigants or parties listed in a case. It is open to third parties who wish to observe court proceedings also. At paragraph 29, the court asks, ‘is it permissible to put in place a security regime that

---

<sup>247</sup> In the Calcutta High Court (see Chapter 5), there is also a separate entrance that is restricted for use only by the judges of the high court. However, this is not the main entrance of the court; it is the entrance to the left of the main entrance.

<sup>248</sup> 2013 VII AD (Delhi) 670.

could have the effect of keeping members of the general public (including bona fide litigants) without identification documentation from accessing the courtroom?’ The judgment concludes with directions to form a committee with representatives from the different high court and government departments to create a regime that ensures persons can access court without compromising security concerns.<sup>249</sup> In this case, as is the case of the man from the country, a blockade is set into motion by the presence of the “gate pass” and even though the person is a litigant in his own case, he is denied access to enter the court. Further, the court’s reflection on the “blockade” indicates how justice is blockaded by the architecture of the court, or as Kafka would put it, by the lowliest gatekeepers.

Courts are structured in a didactic format as noted by Goodrich (1990) and the hierarchy perpetrated by the court creates the second ocular register of superiority of the law over everything that comes before it. Courts are built in a particular hierarchical format and the structures of courts and courtrooms allow for the theoretical and physical hierarchy to be preserved and carried forward. Courtroom number 1 or the largest courtroom is assigned to the chief justice of the court, who is at the top of the hierarchy. In the case of the Bombay High Court, it is the courtroom with the largest chamber that perpetuates the hierarchy with an ongoing debate on the apt use of the largest courtroom in that high court. The internal structure of the courtroom propagates this hierarchy with the judges seated at an elevated didactic position. One lawyer in the Calcutta High Court commented during an interview that the judges of the Calcutta High Court are like teachers, the way they manage the court and correct the persons who present themselves before the bench. The hierarchy continues in the way the lawyers are positioned ahead of the litigants in the limited space of the court. Litigants and the general public usually find themselves towards the bottom hierarchy of this internal courtroom structure (see

---

<sup>249</sup> The judgment discusses in detail the various difficulties that people face in procuring photo identities in India, along with the different legislations that make it mandatory for people to attend court proceedings thereby making the gate pass provision in conflict with certain procedural laws. The court also provides examples of different institutions that have modified their rules to balance security concerns with access issues. An example they provide of this is the Delhi Metro Rail Corporation (DMRC) that handles lakhs of customers daily without impeding physical access through stringent identity requirements. Pointedly, the judgment notes, that, ‘We are still grappling with and struggling to overcome psychological, social, financial, technical, technological, geographical barriers to access to justice and a security regime which provides for an absolute entry point barrier; it results in an exclusion which is complete’. The judges are clear when they say that they cannot permit the high courts and other subordinate courts to become ‘privileged space[s]’ accessible only to those with documentation. They state that the constitutionally protected rights of the people would be severely violated in such instances.

Mulcahy 2011). Within the lawyers there is another internal grading system. Senior lawyers are always in the front and junior lawyers are behind. Further, and I noticed this across all the three high courts, if a senior lawyer enters the courtroom, the junior gets up and gives the seat to the senior lawyer. This is done without being asked of the same. It is more like an automatic response and a given that a “junior” in the system acts in this manner. The hierarchy is therefore well internalised and the accepted normal. The power structure that Kafka (2015) writes about therefore manifests itself at many modes and in several spaces in the court structure. In this example it is seen through the architectural structure of the court and its effect on the minds of the persons who function through these structures. The court has a multitude of gatekeepers, and they include the security officers who frisk persons entering the court building to the court staff and security personnel positioned outside certain courtrooms that restrict entry based on different defining limits. The gatekeepers also exist in forms of the persons who correct the dress code of lawyers and sometimes litigants in courtrooms; along with the persons who deny information to those who ask questions about the court. Access to the courts of law therefore is restricted in the physical sense by these gatekeepers.

The thought about law being accessible does cross the mind of the man from the country in Kafka’s (2015) parable. He wonders that ‘the law should always be accessible for everyone’ but the description and the image of the gatekeeper makes him decide not to question the lack of access to the law. The court uses these self-created images to create a sense of awe and distance. The image is so strong that a person approaching the court will think several times before entering the premises. When I spoke to several persons who attended the exhibition on the occasion of 150 years of the Bombay High Court, they expressed the view that they did not know that the court was open to the public and they thought that this was a temporary measure for the purposes of the exhibition. Numerous persons, not from the field of law, were extremely pleased to have gotten the opportunity to enter the high court and see the court from inside. They were completely oblivious to the fact that the court is a public space and every person is allowed to walk in and attend on-going court proceedings. There is thus a categorical image of the court and the law and the feeling is constant that one is always “before the law” and must follow the restrictions placed either by gatekeepers or by the visual perceptions of the law. Since the law is hidden in this sense from the outside, often one

does not know how the court functions from within. The idea of the internal functioning of the court is thus influenced by external perceptions, literature, journalistic reports about the cases in court, Bollywood and regional cinema and a continuation of the idea of the law as being superior and therefore unknown. The fact that most persons across the three high courts are not in favour of photography, video recording or live telecasting of court proceedings is indicative of how the law still wants to maintain a secrecy over its internal functioning and imagery. These modes of the ocular are not permitted in the court space thereby restricting the internal image of the court from being externalised. The external is therefore subject to alternative means of visualising the law creating an ambiguity in the perception of the nature of the law. The law works towards maintaining this ambiguity as it allows for it to control the image of its self. Therefore, when one is faced with the situation of mandatorily having to access law, they approach it in awe and bewilderment as they are unaware of what lies “ahead of the law”.

Kafka's (2015) narration ends with the man of the country nearing his death when the gatekeeper informs him that this particular entrance to the law was ‘assigned only to you’ and that he was ‘going now to close it’. The text can be interpreted to note that while the man from the country has aged, the gatekeeper has not aged in the same manner. The difference in the way the man seeking the law perishes as opposed to the manner of the person guarding the law, further questions the access to justice versus the modes of reaching it. While persons seeking to use the law might perish amidst the complicated use of legal language and court procedures, and get covered behind the dress code of the black gowns and white bands, the law only grows to be bigger and more majestic at every step. The way the court is structured, in its physical form along with its rules and traditions, contribute to this feeling of awe towards the law and the courts. The judicial iconography that exists in the three high courts provide certain symbolic images of the law and they play a role in how the court is perceived. Being large structures, there is already a mixed feeling of awe and fear when one walks into the court for the first time. Many persons I spoke with during my fieldwork, from judges to lawyers and court staff, noted that they did have a sense of admiration before they entered the courts. Often this was felt by persons who had no prior interaction with the court. For persons who had been to court before either through their parents or otherwise, or had been associated with the law before the high court became their work

place, felt the admiration but not necessarily the fear as the initial blockade had been crossed and they had moved to the other side.

While this is the physical aspect of awe, there are also rules and traditions of the court that contribute to this process of admiration of the law that does not allow one to question its processes and methods. One aspect related to this is when I discuss the use of the word lordship in Chapter 6 to refer to the judges which was something that occurred in all the three high courts. The term lordship automatically venerates the judges to a superior position and puts the idea to the persons accessing the law that they are amidst a hierarchy. While the use of this word is not mandatory it has become so much a part of the language of the court that it is used as a conjunction to complete sentences when speaking in court. While the case of the kind of language and terminology used in courts is large, I specifically focus on the use of this one word and how this alone can be confusing for someone who is not part of the system and therefore restricting access due to the inability to understand the language of the court. Another tradition of calling a “10.30” or a “3.30” in the Calcutta High Court upon the death of a lawyer (see Chapter 5) can easily turn into a denial of access to law and justice as when the court closes for the day without prior warning, several persons are already standing before the law and the sudden adjournment denies them access as promised. Therefore, access is hindered by a tradition of the court.

The constant debate and difference of opinion on the use of the central courtroom in the Bombay High Court allows for the courtroom to remain unused for most of the time. While there is a continuous discussion on the lack of space in the Bombay High Court, along with cases being filed in the court to resolve the issue (see Chapter 3), the largest courtroom, the central courtroom which can accommodate the most number of people compared to the other courtrooms in the Bombay High Court, remains unused. Having more space in the courtrooms, even if it is one courtroom, would ease the process of accessing the law. Courtrooms in all three high courts were found to be crowded at particular times; in the mornings when additional matters had to be heard or when there was an important case before the bench. When I asked persons in court if the space in the courtrooms were sufficient, most felt that at certain times it was inadequate depending on the matter to be heard. Some persons suggested that litigants and/or general public should not be permitted as that would ease the load of the

courtrooms since the high courts were largely courts of appeal, litigants were not required to be present. Of course, this opinion was held by a few of the several persons I interviewed but the existence of this idea permeates through the discussion on why access to justice is more complicated than it appears.

In the Madras High Court, the judges utilise the same corridor as every other person who enters the court premises. Due to this there is a tradition of keeping silent and standing against the walls of the corridors when the judge walks past (see Chapter 4). For a person new to the court, as I was when I encountered this practice for the first time, the whole process was surprising and unsettling. While I was sitting on a bench I suddenly could hear the sound “shh” as an indication of silence and several people looking at me sternly telling me to stand up. Having no idea as to the reason for the same had me confused. When the judge walked past all present had to bow. After a while the process normalised and the reaction to the sound of “shh” became a reflex. However, the existence of such performances of the law only further in causing a hindrance to the ability to access justice.

Kafka's (2015) parable is important because it shows us how certain aspects of the legal process have been normalised to the extent that they are not questioned and as Günter Frankenberg writes, it is an '(adequately tragic) story of normalization' (2016:218). As Frankenberg (2016) points out, that even though the man from the country comes to access the law, he decides to wait to gain access based on the story by the gatekeeper. So the man from the country, although he waits for his whole life, never actually sees the law 'with his own eyes' (Frankenberg 2016:222). What he knows of and about the law is only hearsay. Since he has had no direct interaction with the law the only aspects of the working and processes of the law that he knows are through the conversations with the gatekeeper. It is from the same gatekeeper that he learns that the gate where he stood was made only for him and would be closed upon his death. However, as Frankenberg (2016) rightly states, there have been persons who have had a certain amount of access, and have managed to cross the gatekeeper and enter into the gates of the law but these persons too feel an alienation. Only the mode changes and once inside, the process of alienation continues. 'They watch, mystified and intimidated, rather like fairly ignorant bystanders, the automatic functioning of a well-oiled, complex legal

machinery' that is functioning for them but of which they are not a part (Frankenberg 2016:222).

In the same vein, the three high courts of Bombay, Madras and Calcutta are large structures with a specific and unique judicial iconography that relates to their particular architectural constructions and colonial requirements. They are colonial built courts that have carried forward and merged into the Indian judicial system with the promulgation of *The Constitution of India, 1950*. The three high courts are linked because they came into existence under the Letters Patents of 1862. These courts have certain rules and traditions that coupled with their iconography create a system of a semiotics of law. The existence of these signs and symbols of law create a particular and unique visual culture for these courts that portray the ambivalent relationship that the law shares with the image. Through the course of this thesis I have explored various registers at which the law controls its image. In this chapter, reading my ethnographic experiences along with the idea of access to law in Kafkaesque terms, I reach the conclusion that the current structures and rules and/or traditions of the court work in a direction that hinders the path to reach the law and thereby eventually restricts the accessibility of the law. While the iconography, symbolism and traditions are a part of the image of the court through which it gains legitimacy, they are also a tool by which the court keeps itself at a distance. The two ideas therefore conflict with each other and create an alienation towards the law in a similar vein to the kind faced by the man from the country. The juxtaposition of the law between access and denial questions the purpose of the court in its entirety and therefore the high courts would benefit in a balanced rendering of access – where the man from the country not only stands before the law but is able to decipher and decode what the gatekeeper expects thereby being able to accept what is “normal” to the court resulting in an actual and complete access to the law.

### **SECTION 3: LAW AS HERITAGE**

I have argued that rather than think of the legal regulation of heritage, we may think of law as heritage. In the three presidency town high courts, while conversations on law as heritage have not been at the forefront, law manifests in terms of its heritage. In the Bombay High Court, the PIL and ensuing debate on the establishment of a new building for the high court raises several notions of law as heritage. The arguments that conserve

the heritage of the high court building seek to monumentalise law in the space of the court. Protecting the heritage of the Bombay High Court then becomes something that also seeks to maintain the internal histories of the court. The question manifests itself in the debate on whether the 1878 constructed Bombay High Court building will maintain its heritage by continuing to function from the same space or by monumentalising itself through becoming a museum and/or an ancient archaeological site. In the new building to be constructed for the high court, it is not a guarantee then, that along with the laws, rules and regulations, whether the heritage will also transfer in the same way.

In the Madras High Court law's heritage is preserved in the walking tours that are conducted of the high court. These walking tours, referred to as heritage walks, are an integral part of the high court wherein elements of court architecture and design, preservation of several artefacts and practices are constituted as heritage. The walking tours play the role of exhibiting the history of the court that dwells on how the heritage is conserved in different ways – through the establishment of the museum of the high court and practices that are continued without question. In the Madras High Court this is seen through the ringing of the bell at start and end times of court functioning and also in the practice of making way and bowing when judges walk through the corridors.

Law as heritage manifests in the Calcutta High Court with the presence of the twenty-four pillars that line the front façade of the high court building. The need to preserve the Caen stone carvings on the capitals of these pillars led to them being painted in a colour shades away from the original. This was done on the occasion of the sesquicentennial celebrations of the high court. In this instance, the court conserved its heritage by redefining an existing design without laying out any specific utility of the action.

The conservation of these practices, designs and architectural structures maps one kind of relationship between law and heritage where the conservation of a “lived law” provides for symbolic value without much utility. The everyday experience of the inheritance of law as heritage, be this through an auditory performance such as those of ringing bells or through other kinds of ceremonial performances, is constitutive of the way law is monumentalised in specific cultural, historical and political contexts.



**SECTION 4: LAW, HISTORY AND MEMORY**

The judicial iconography of courts is one method through which the law maintains its dignity and majesty. Another mode of preserving and monumentalising the law is through the role of history and memory. The high courts in Bombay, Madras and Calcutta exhibit this link between law, history and memory through particular visualisations and performances in the court spaces. Law plays a role in writing and re-writing history in order to create a memory of the court that works towards maintaining its dignity. The re-writing of history is so integral that it changes the narratives and memories of the people in the court. The memory of historical events is then made to be in line with the image of the court.

This relationship between law, memory and history strongly manifests in the three high courts. In the Bombay High Court, the placement of the plaque with Tilak's words outside the central courtroom is a prime example of the same. The plaque is a reminder of the "injustices" of the court and re-writes history to absolve the court from actions that tarnished the image of the court. The memory of the Tilak trial is embedded into the fabric of the high court such that it is recollected in a variety of ways, the latest being on the occasion of the 150 years' celebration of the Bombay Bar Association. The constant presence and reminder of the atonement required for the disgrace of the Tilak trial that occurred in the Bombay High Court creates contested sites and spaces leading to the memorialisation of history through one particular narrative.

While this contestation occurs in the Bombay High Court, the Calcutta High Court also deals with memorialisation embedded in its colonial past. The entire myth that the cloth hall in Ieper was remodelled on the plans of the Calcutta High Court talks of how history is intertwined with the identity of the court. The site here is the creation of a myth that pushes the memory of the space of the court to be reimagined. The apocryphal story about the rebuilding of the cloth hall in Ieper reconfigures history to materialise the pride and prestige of the Calcutta High Court. By following this myth, the high court, in a certain way, is reasserting its dignity so as to gift back to the Belgians their past through its present, in the same way that the colonisers gifted civilisation to their colonies. Therefore, as argued by Sarat and Kearns (2002), law is constantly writing the past for those over whom it can exercise dominion. Thus, the memory of historical events is controlled by these very ideas of the court.

In a similar vein, the Madras High Court memorialises its history through the lighthouse atop its building and the placement of statues inside and outside the court. The memory of the lighthouse is so distinct that it can be symbolised as a version of a statue of justice for the high court; and the controversies surrounding the installation of statues that have carried forward till date allows for historical processes to be controlled by the visual idea of the court.

This contested relationship between law, history and memory sometimes permits the law to use and misuse history to justify its actions and exert its authority. As can be seen through the examples of the three high courts, the law has to not only account for its own visual representation but also adjust to the social and political demands of the interior and exterior forces of the court. The law is thus seen to construct its past in a manner that makes memorialisation of historical instances a verdict of legal control creating sites of commemoration that alter the actual role of the law.

#### **SECTION 5: APOCRYPHAL HISTORIES AND REVISED NARRATIVES**

Through the course of my fieldwork in the colonial high courts, I observed the retelling of history in ways that illustrated the past and present realities of these judicial spaces. The presence of apocryphal stories that are embedded in the fabric of the court control the image of the court and question if there are more such stories for other courts in India. The seizure of this past history comes through an improbable tool of the court's architecture, design and judicial iconography, presenting the court with a trophy through which the colonial subject rewrites the legacy that the British left behind. In the case of the Calcutta High Court, this inversion of the image and role of the colony, portrays a judicial narrative along with a political contestation linked to its colonial past that intersects with its nationalist identity today. The presence of the nationalist debate creates a myth that is Indian in its origin inverting its western roots. Does this form of retelling of history and memory then seek to expunge the coloniser by annexing its own myth? Questions of this nature lead to further research interests on whether other courts in India or across the world have also rewritten history, created apocryphal stories and reclaimed a past by inverting it to display its own pride and prestige. In India, this could be linked to the nation's own identity questions and rebuilding of its separate form in a post-independence era. Would this form of memorialisation of history invert different

stories in states that do not have a colonial history? These inquiries fit the courts into the larger debate of a legalistic and nationalist history which presents a new way forward of exploring the courts and their imagination and regulation of the self.

## APPENDIX

### Appendix 1.1: Before the Law, Franz Kafka

---

**Franz Kafka**  
**Before the Law**

---

*This translation by Ian Johnston of Vancouver Island University, Nanaimo, BC, has certain copyright restrictions. For comments or question please contact **Ian Johnston**. This text was last revised on June 11, 2015.*

#### BEFORE THE LAW

Before the law sits a gatekeeper. To this gatekeeper comes a man from the country who asks to gain entry into the law. But the gatekeeper says that he cannot grant him entry at the moment. The man thinks about it and then asks if he will be allowed to come in sometime later on. "It is possible," says the gatekeeper, "but not now." The gate to the law stands open, as always, and the gatekeeper walks to the side, so the man bends over in order to see through the gate into the inside. When the gatekeeper notices that, he laughs and says: "If it tempts you so much, try going inside in spite of my prohibition. But take note. I am powerful. And I am only the lowliest gatekeeper. But from room to room stand gatekeepers, each more powerful than the last. I cannot endure even one glimpse of the third." The man from the country has not expected such difficulties: the law should always be accessible for everyone, he thinks, but as he now looks more closely at the gatekeeper in his fur coat, at his large pointed nose and his long, thin, black Tartar's beard, he decides that it would be better to wait until he gets permission to go inside. The gatekeeper gives him a stool and allows him to sit down at the side in front of the gate. There he sits for days and years. He makes many attempts to be let in, and he wears the gatekeeper out with his requests. The gatekeeper often interrogates him briefly, questioning him about his homeland and many other things, but they are indifferent questions, the kind great men put, and at the end he always tells him once more that he cannot let him inside yet. The man, who has equipped himself with many things for his journey, spends everything, no matter how valuable, to win over the gatekeeper. The latter takes it all but, as he does so, says, "I am taking this only so that you do not think you have failed to do anything." During the many years the man observes the gatekeeper almost continuously. He

forgets the other gatekeepers, and this first one seems to him the only obstacle for entry into the law. He curses the unlucky circumstance, in the first years thoughtlessly and out loud; later, as he grows old, he only mumbles to himself. He becomes childish and, since in the long years studying the gatekeeper he has also come to know the fleas in his fur collar, he even asks the fleas to help him persuade the gatekeeper. Finally his eyesight grows weak, and he does not know whether things are really darker around him or whether his eyes are merely deceiving him. But he recognizes now in the darkness an illumination which breaks inextinguishably out of the gateway to the law. Now he no longer has much time to live. Before his death he gathers up in his head all his experiences of the entire time into one question which he has not yet put to the gatekeeper. He waves to him, since he can no longer lift up his stiffening body. The gatekeeper has to bend way down to him, for the difference between them has changed considerably to the disadvantage of the man. "What do you want to know now?" asks the gatekeeper. "You are insatiable." "Everyone strives after the law," says the man, "so how is it that in these many years no one except me has requested entry?" The gatekeeper sees that the man is already dying and, in order to reach his diminishing sense of hearing, he shouts at him, "Here no one else can gain entry, since this entrance was assigned only to you. I'm going now to close it."

## BIBLIOGRAPHY

1962. "A Historical Account of the Courts of Madras from 1600 to 1962." In *The Madras High Court: 1862 - 1962: Centenary Volume*. Madras: The Editorial Committee.
- Agencies. 2012. "Remove portrait of judge who sentenced Bal Gangadhar Tilak." *The Indian Express*. August 17. Accessed November 28, 2016. <http://indianexpress.com/article/india/latest-news/remove-portrait-of-judge-who-sentenced-bal-gangadhar-tilak/>.
- Agha, Sameetha, and Elizabeth Kolsky, eds. 2009. *Fringes of Empire: Peoples, Places, and Spaces in Colonial India*. New Delhi: Oxford University Press.
- Agrawal, Anuj. 2016. "It is our tradition! Calcutta High Court declines name change." *Bar & Bench*. July 16. Accessed July 17, 2016. <http://barandbench.com/calcutta-high-court-declines-name-change/>.
- Aiyangar, V. V. Srinivasa, K. Narasimha Aiyar, K. Bhashyam Aiyangar, K. S. Desikan, V. Suryanarayana, V. C. Gopalratnam, and N. R. Raghavachariar, eds. 1950. *The Law Weekly*. Vol. LXIII. Madras: V. C. Gopalratnam.
- Aiyar, A. N., ed. 1929. *Indian Rulings: Calcutta Section*. Lahore: Law Publishing Press.
- Aiyar, Ramanatha P. 2007. *Advanced Law Lexicon*. Nagpur: LexisNexis Butterworths Wadhwa.
- al-Alwani, Taha Jaber. 2000-2001. "'Fatwa' concerning the United States Supreme Courtroom Frieze." *Journal of Law and Religion* (Cambridge University Press) 15 (1/2): 1-28.
- Alam, Shafaque. 2016. "Ambedkar's statue vandalized in Noida park." *The Times of India*. August 24. Accessed February 1, 2017.

<http://timesofindia.indiatimes.com/city/noida/Ambedkars-statue-vandalized-in-Noida-park/articleshow/53845226.cms>.

n.d. *Archaeological Survey of India*. Accessed February 2, 2017. [http://asi.nic.in/asi\\_monuments.asp](http://asi.nic.in/asi_monuments.asp).

Asimow, Michael, ed. 2009. *Lawyers in Your Living Room: Law on Television*. Chicago: American Bar Association Publishing.

Asimow, Michael. 2009. "Preface: Popular Culture Matters." In *Lawyers in Your Living Room: Law on Television*, edited by Michael Asimow, xix-xxvi. Chicago: American Bar Association Publishing.

Auslander, Philip. 1997. "Legally Live: Performance in/of the Law." *The Drama Review* 41 (2): 9-29.

Baghel, Sunil. 2012. "ACP answers phone call in HC, served contempt notice." *Mumbai Mirror*, January 20.

Bagnall, Gary. 1996. *Law as Art*. Aldershot: Dartmouth Publishing Company Limited.

Baker, J. H. 1975. "History of the Gowns Worn at the English Bar." *Costume* 9 (1): 15-21.

Balaganessin, M. 2012. "Stories of legal system come alive on walls." *The Hindu*. April 7. Accessed November 15, 2016. <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/stories-of-legal-system-come-alive-on-walls/article3289485.ece>.

Balaram, Gunvanthi. 2000. "Justice and Mercy, perched atop the central turrets, are looking grand again." *The Times of India*, June 18: 5.

- Ballweg, Ottmar. 1987. "Analytical Rhetoric, Semiotic and Law." Edited by Roberta Kevelson. *Introduction to the First Round Table on Law and Semiotics* (Plenum Press) 1: 25-34.
- Basu, Srimati. 2012. "Judges of Normality: Mediating Marriage in the Family Courts of Kolkata, India." *SIGNS* 469-492.
- Baucom, Ian. 1999. *Out of Place: Englishness, Empire, and the Locations of Identity*. Princeton: Princeton University Press.
- Baxi, Pratiksha. 2010. "Justice is a Secret: Compromise in Rape Trials." *Contributions to Indian Sociology* 44 (3): 207-233.
- . 2014. *Public Secrets of Law: Rape Trials in India*. New Delhi: Oxford University Press.
- Baxi, Upendra. 1997. "Judicial Activism: Usurpation or Re-democratization?" *Social Action* 47: 341-357.
- . 2001. "Postcolonial Legality." In *A Companion to Postcolonial Studies*, edited by Henry Schwartz and Sangeeta Roy, 540-555. Oxford: Blackwell.
- . 1986. *Towards a Sociology of Indian Law*. New Delhi: Satvahan Publications.
- Bedini, Silvio A. 1997. "The Mace and the Gavel: Symbols of Government in America." *Transactions of the American Philosophical Society* 87 (4): i-xi, 1-84.
- Being Dalit. 2015. "Ambedkar statue damaged in Tamil Nadu, Dalit outfits protests." *Being Dalit*. June 20. Accessed February 1, 2017. <http://www.beingdalit.com/2015/06/ambedkar-statu-damaged-in-tamil-nadu.html?m=1>.



- Ben-Dor, Oren, ed. 2011. *Law and Art: Justice, Ethics and Aesthetics*. Oxon: Routledge.
- Bennett, Mark W. Winter 2004. "High-Tech Justice: A View from the Federal Bench on Courtroom Technology." *Litigation* 30 (2): 3-6.
- Benson, Robert W. 1987. "The Semiotic Web of the Law." Edited by Roberta Kevelson. *Introduction to the First Round Table on Law and Semiotics* (Plenum Press) 1: 35-64.
- Bentham, Jeremy. 1995. *The Panopticon Writings*. Edited by Miran Bozovic. London: Verso.
- Berti, Daniela. 2010. "Hostile Witnesses, Judicial Interactions and Out-of-court Narratives in a North Indian District Court." *Contributions to Indian Sociology* 44 (3): 235-263.
- Bhanti, R. K. 2003. *Indian Lighthouses: An Overview*. 2nd. Bhavnagar.
- Bhatia, Gautam. 2016. "ICLP Turns Three: Thoughts on Legal Scholarship and Access to Courts." *Indian Constitutional Law and Philosophy*. August 2. Accessed August 8, 2016. <https://indconlawphil.wordpress.com/2016/08/02/iclp-turns-three-thoughts-on-legal-scholarship-and-access-to-courts/>.
- Bhatia, Rahul. 2009. "Justice in Clothes." *Open Magazine*. October 17. Accessed August 8, 2016. <http://www.openthemagazine.com/article/real-india/justice-in-clothes#page1>.
- Bhattacharjee, Justice Anandamoy, Justice Shyamal Kumar Sen, and Justice A. K. Nayak, eds. 1987. *The High Court at Calcutta: 125th Anniversary Souvenir, 1862-1987*. Calcutta: Saraswaty Press Ltd. (Govt. of W.B. Enterprise).
- Biber, Katherine. 2006. "Photographs and Labels: Against a Criminology of Innocence." *Law Text Culture* 10: 19-40.

- Biber, Katherine, and Mehera San Roque. 2006. "The Trouble with Pictures." *Law Text Culture* 10: 1-4.
- Bird, Greta, and Nicole Rogers. 2009. "Talking to Judges about the Art of Judging: An Annotated Performance Text." *Public Space: The Journal of Law and Social Justice* 3: 1-18.
- Blümle, Claudia. 2008. "The Omnipresent Eye of the Judge - Juridical Evidence in Albrecht Dürer and Lucas Cranach the Elder." *Parallax* 14 (4): 42-54.
- Bobde, Justice S. A., Justice R. F. Nariman, Justice U. U. Lalit, Justice S. R. Bhat, Raju Ramachandran, Indu Malhotra, Sanjay R. Hegde, Madhavi Divan, K. Parameshwar, and Bhatia Gautam, eds. 2016. *Courts of India: Past to Present*. New Delhi: Publications Division, Government of India.
- Bogoch, Bryna. 1999. "Courtroom Discourse and the Gendered Construction of Professional Identity." *Law & Social Inquiry* 24 (2): 329-375.
- n.d. *Bombay Bar Association*. Accessed April 15, 2012. [http://www.bombaybar.com/bar\\_association/about\\_us.php](http://www.bombaybar.com/bar_association/about_us.php).
- Bombay Bar Association. 2016. *Enactment of Lok Manya Bal Gangadhar's Trial*. Video. Mumbai, November 19. Accessed December 1, 2016. <https://www.youtube.com/watch?v=RtMr1bdRYVA>.
- Brass, Paul R. 2004. "Elite Interests, Popular Passions, and Social Power in the Language Politics of India." *Ethnic and Racial Studies* 27 (3): 353-375.
- Breed, Ananda. 2008. "Performing the Nation: Theatre in Post-Genocide Rwanda." *The Drama Review* 52 (1): 32-50.
- Brigham, John. 1996. "Signs in the Attic: Courts in Material Life." In *Spaces and Significations*, edited by Roberta Kevelson, 151-164. New York: Peter Lang.

- Brittain-Catlin, Timothy, Jan De Maeyer, and Martin Bressani, eds. 2016. *A. W. N. Pugin's Global Influence: Gothic Revival Worldwide*. Leuven: Leuven University Press.
- Brooks, Peter, and Paul Gewirtz. 1996. *Law's Stories: Narrative and Rhetoric in Law*. New Haven: Yale University Press.
- Brownlee, David B. 1984. *The Law Courts: The Architecture of George Edmund Street*. Cambridge, Massachusetts: The MIT Press.
- Burnett, Ron. 1990. "The Eyes Don't Have It: Video Images and Ethnography." *Continuum: The Australian Journal of Media & Culture* 3 (2): 119-139.
- Burns, Karen. 2016. "Global Gothic." In *A. W. N. Pugin's Global Influence: Gothic Revival Worldwide*, edited by Timothy Brittain-Catlin, Jan De Maeyer and Martin Bressani, 130-141. Leuven: Leuven University Press.
- Butler, Judith. 2007. "Torture and the Ethics of Photography." *Environment and Planning D: Society and Space* 25: 951-966.
- Bybee, Keith J. Fall 2012. "Judging in Place: Architecture, Design, and the Operation of Courts." *Law and Social Inquiry* 37 (4): 1014-1028.
- n.d. *Calcutta High Court*. Accessed July 08, 2016. <http://calcuttahighcourt.nic.in/>.
- Capers, Bennett. Winter 2012. "Blind Justice." *Yale Journal of Law and the Humanities* 24 (1): 179-189.
- Capers, Bennett. 2006-2007. "On Justitia, Race, Gender, and Blindness." *Michigan Journal of Race and Law* 12: 203-233.
- Carlen, Pat. 1976. "The Staging of Magistrates' Justice." *British Journal of Criminology* 16 (1): 48-55.

- Chagla, M. C. 1974. *Roses in December: An Autobiography*. Bombay: Bharatiya Vidya Bhavan.
- Chandrachud, Dhananjaya Y., Anoop V. Mohta, and Roshan S. Dalvi, eds. 2012. *A Heritage of Judging: The Bombay High Court through One Hundred and Fifty Years*. Mumbai: Maharashtra Judicial Academy & Indian Mediation Centre & Training Institute.
- Chandru, Justice K. n.d. "A Blot To A Lighthouse." *Lawyers Collective: Amicus Curiae*. Accessed February 10, 2017. <http://www.lawyerscollective.org/blog/amicus-curiae/blot-lighthouse.html>.
- . n.d. "Judges in Family Courts: Don't They Have Families?"
- . 2015. *Legal Profession and Appointment of Judges (Collection of Lectures, Articles and Interviews)*. Thiruvanthapuram: LexLab Media and Publishing LLP.
- . 2011. "The High Court of Judicature at Madras at 150." *The Hindu*. August 15. Accessed November 16, 2016. <http://www.thehindu.com/opinion/lead/the-high-court-of-judicature-at-madras-at-150/article2357419.ece>.
- . 2011. "Some thoughts around the Madras High Court." *The Hindu*, November 26. Accessed June 27, 2016. <http://www.thehindu.com/opinion/op-ed/some-thoughts-around-the-madras-high-court/article2660141.ece>.
- Chari, V. K. T. 1982. "A Critique of Judicial Attitudes." *Journal of the Bar Council of India* 9 (2): 293-297.
- Chase, Oscar G., and Jonathan Thong. Winter 2012. "Judging Judges: The Effect of Courtroom Ceremony on Participant Evaluation of Process Fairness-Related Factors." *Yale Journal of Law & the Humanities* 24 (1): 221-245.

- Chaudhuri, Ranadeb, ed. 1961. "A Maiden Assize." *The Calcutta Weekly Notes: A Journal of Law Notes and Reports of the Calcutta High Court (1961-1962)* LXVI (20): 71-72.
- . 1961. *The Calcutta Weekly Notes: A Journal of Law Notes and Reports of the Calcutta High Court (1961-1962)*. Vol. LXVI No. 1. Calcutta.
- . 1962. *The Calcutta Weekly Notes: A Journal of Law Notes and Reports of the Calcutta High Court (1961-1962)*. Vol. LXVI No. 8. Calcutta.
- . 1962. *The Calcutta Weekly Notes: A Journal of Law Notes and Reports of the Calcutta High Court (1961-1962)*. Vol. LXVI No. 10. Calcutta.
- . 1962. *The Calcutta Weekly Notes: A Journal of Law Notes and Reports of the Calcutta High Court (1961-1962)*. Vol. LXVI No. 28. Calcutta.
- . 1962. *The Calcutta Weekly Notes: Centenary Issue*. Vol. LXVI No. 32. Calcutta.
- Chaudhury, Sabyasachi. 2012. "Haunt in the High Court." In *The High Court at Calcutta - 150 Years: An Overview*, edited by Chittatosh Mookerjee, S. B. Mookherjee, Saktinath Mukhopadhyay, Surendra Kumar Kapur, Bhaskar P. Gupta, Samaraditya Pal, Amit Roy and Sond Mukherjee, 460-463. Kolkata: The Indian Law Institute (West Bengal State Unit).
- Chaudhury, Sushil. 2012. "The Calcutta High Court - A Historical Perspective." In *Sesquicentenary Celebration of the High Court at Calcutta (1862-2012)*, by Souvenir Committee, 91-103. Kolkata: Saraswaty Press Limited (Government of West Bengal Enterprise).
- Chavan, Vijay. 2016. "Court-ing Controversy: Lawyers Say Metro Stn Falls on Their Land." *Pune Mirror*. December 21. Accessed February 4, 2017. <http://punemirror.indiatimes.com/pune/civic/Court-ing-controversy-Lawyers-say-metro-stn-falls-on-their-land/articleshow/56091189.cms>.

- Chowdhury, Raja B. N. Roy. 1962. "The Sheriff of Calcutta." In *The High Court at Calcutta: Centenary Souvenir, 1862-1962*, 101-110. Calcutta: Saraswaty Press Ltd. (Govt. of W.B. Enterprise).
- Coate, Leslie. 1995. *Ypres 1914-1918: A Study in History Around Us*. Sussex: L. D. C. Publications.
- Cohen, Morris L. 1992. *Law: The Art of Justice*. New York: Macmillan Publishing Company.
- . 1997. *The Bench and Bar: Great Legal Caricatures: From Vanity Fair by Spy*. New Haven: Hugh Lauter Levin Associates Inc.
- Cohn, Bernard S. 1987. *An Anthropologist among the Historians and Other Essays*. New Delhi: Oxford University Press.
- . 1965. "Anthropological Notes on Disputes and Law in India." *American Anthropologist* 82-122.
- . 1996. *Colonialism and its Forms of Knowledge: The British in India*. Princeton: Princeton University Press.
- Cohn, Marjorie, and David Dow. 1998. *Cameras in the Courtroom: Television and the Pursuit of Justice*. Jefferson, North Carolina: McFarland & Company, Inc.
- Coleman, Priscilla, and Paul Cheston. 2010. *Court Scenes*. London: Wildy, Simmonds & Hill Publishing Ltd.
- Collier, Malcolm. 2004. "Approaches to Analysis in Visual Anthropology." In *The Handbook of Visual Analysis*, edited by Theo Van Leeuwen and Carey Jewitt, 35-61. London: SAGE Publications Ltd.
- Collins, Kristin A. Winter 2012. "Representing Injustice: Justice as an Icon of Woman Suffrage." *Yale Journal of Law and the Humanities* 24 (1): 191-220.

- Colomb, Gregory C. 1992. *Designs on Truth: The Poetics of the Augustan Mock-Epic*. University Park: The Pennsylvania State University Press.
- n.d. *Constitutional Court of South Africa*. Accessed April 23, 2016. <http://www.constitutionalcourt.org.za/home.htm>.
- Constitutional Court of South Africa. 2014. "Visitor's Brochure." Johannesburg: Constitutional Court of South Africa.
- Corcos, Christine. 2011. "Magical Images in Law." In *Exploring Courtroom Discourse: The Language of Power and Discourse*, edited by Anne Wagner and Le Cheng, 131-175. Surrey: Ashgate Publishing Limited.
- Cormack, Peter. 2010. "Gothic 'with a Difference': Sculpture and Decorative Arts at the Supreme Court of the United Kingdom." In *The Supreme Court of the United Kingdom: History, Art, Architecture*, edited by Chris Miele, 98-137. London: Merrell Publishers Limited.
- Correa, Charles. 1959. "Architectural Expression." *Seminar on Architecture*. Lalit Kala Academy.
- Cover, Robert. 1995. "Nomos and Narrative." Chap. 3 in *Narrative, Violence, and the Law: The Essays of Robert Cover*, edited by Martha Minow, Michael Ryan and Austin Sarat, 95-172. Ann Arbor: The University of Michigan Press.
- . 1995. "Violence and the Word." Chap. 5 in *Narrative, Violence, and the Law: The Essays of Robert Cover*, edited by Martha Minow, Michael Ryan and Austin Sarat, 203-238. Ann Arbor: The University of Michigan Press.
- Creswell, John W. 2003. *Research Design: Qualitative, Quantitative, and Mixed Methods*. 2nd. Thousand Oaks: Sage Publications Inc.

- DaBoss. 2016. "The Litigious Cats." *Fables of Aesop: A Complete Collection*. Edited by JBR Collection. July 5. Accessed December 1, 2016. <http://fablesofaesop.com/litigious-cats.html>.
- Damisch, Hubert. 2009. "Semiotics and Iconography." In *The Art of Art History: A Critical Anthology*, by Donald Preziosi, 236-242. New York: Oxford University Press.
- Danet, Brenda. 1980. "Language in the Legal Process." *Law and Society Review* 14 (3): 445-564.
- Darian-Smith, Eve. 2004. "Ethnographies of Law." In *Blackwell Companion to Law and Society*, edited by Austin Sarat, 545-568. Oxford: Blackwell Publishing Ltd.
- Das Gupta, Amlan. 2012. "Columns and Capitals: A Note on the Architectural Decoration of the High Court." In *The High Court at Calcutta - 150 Years: An Overview*, by Chittatosh Mookerjee, S. B. Mookherjee, Saktinath Mukhopadhyay, Surendra Kumar Kapur, Bhaskar P. Gupta, Samaraditya Pal, Amit Roy and Sondwip Mukherjee, 39-44. Kolkata: The Indian Law Institute (West Bengal State Unit).
- Das, Soumitra. 2012. "Embodiment of the Law." In *Sesquicentenary Celebration of the High Court at Calcutta (1862-2012)*, by Souvenir Committee, 111-113. Kolkata: Saraswaty Press Limited (Government of West Bengal Enterprise).
- Das, Veena. 1995. "Communities as Political Actors: The Question of Cultural Rights." In *Critical Events: An Anthropological Perspective on Contemporary India*, by Veena Das, 441-471. New Delhi: Oxford University Press.
- Das, Veena. 1974. "Sociology of Law." *ICSSR, A Survey of Research in Sociology and Social Anthropology* (Popular Prakashan) 2: 367-400.



- Das, Veena, and Shalini Randeria. 2014. "Democratic Strivings, Social Sciences, and Public Debates: The Case of India." *American Anthropologist* 116 (1): 160-165.
- Daughtry, J. Martin. 2014. "Thanatosonics: Ontologies of Acoustic Violence." *Social Text* 119 (Duke University Press) 32 (2): 25-51.
- Davis, Jr., Donald R. 2013. "The Architecture of Hindu Law in Colonial India." Madison: University of Wisconsin-Madison, March 16.
- Deccan Chronicle. 2016. "Madras High Court regains glory." *Deccan Chronicle*. April 4. Accessed February 10, 2017. <http://www.deccanchronicle.com/nation/current-affairs/040416/madras-high-court-regains-glory.html>.
- Deedwania, Bapu. 2012. "3-hour drama in HC: Judge clears court to settle dispute between son, aged parents." *Mumbai Mirror*. Mumbai: Bennet, Coleman & Co. Ltd., 6 September.
- Dembowski, Hans, and Rüdiger Korff. 2011. "Stealth Censorship: How the Calcutta High Court is Suppressing a Sociological Book on Public Interest Litigation." *Socio-Legal Review* 7: 71-86.
- Dendooven, Dominiek. n.d. *Indian Army in the Ypres Salient: World War - I (1914-1918)*. Brussels: Embassy of India, Brussels.
- . 2003. *Ypres as Holy Ground: Menin Gate and Last Post*. 2nd. Translated by Ian Connerty. Koksijde: De Klaproos Editions.
- Dendooven, Dominiek, and Jan Dewilde. 1999. *The Reconstruction of Ieper: A Walk through History*. Ieper: Openbaar Kunstbezit in Vlaanderen in co-operation with the In Flanders Fields Museum.
- Desikan, K. S., V. C. Gopalratnam, N. R. Raghavachariar, and V. C. Sri Kumar, eds. 1962. *The Law Weekly*. Vol. LXXV. Madras: V. C. Gopalratnam.

- Deva, Indra, ed. 2005. *Sociology of Law*. Oxford University Press.
- DeVotta, Neil. 2016. "China's Influence in Sri Lanka: Negotiating Development, Authoritarianism, and Regional Transformation." Chap. 6 in *Rising China's Influence in Developing Asia*, edited by Evelyn Goh, 129-152. New York: Oxford University Press.
- Didi-Huberman, Georges. 2005. *Confronting Images: Questioning the Ends of a Certain History of Art*. Translated by John Goodman. University Park: The Pennsylvania State University Press.
- Dikshitar, V. R. Ramachandra. 1939. "Around the City Pagodas." In *The Madras Tercentenary Commemoration Volume*, by The Madras Tercentenary Publication Committee, 355-369. Madras: Oxford University Press.
- Dinesh, P. V. 2013. "Let us do away with 'Your Lordship' and 'My Lord'." *Live Law*. July 3. Accessed 17 November, 2016. <http://www.livelaw.in/lets-do-away-with-your-lordship-and-my-lord/>.
- Directorate General of Lighthouses and Lightships. 2011. *Historical Lighthouses: Mahabalipuram Lighthouse*. Noida: Directorate General of Lighthouses and Lightships.
- Dirks, Nicholas B. 2008. *The Scandal of Empire: India and the Creation of Imperial Britain*. Cambridge: The Belknap Press of Harvard University Press.
- Dockray, Martin. September 1988. "Courts on Television." *The Modern Law Review* 51 (5): 593-604.
- Donge, Jan Kees van. 2006. "Ethnography and Participant Observation." Chap. 19 in *Doing Development Research*, edited by Vandana Desai and Robert B. Potter, 180-188. London: Sage Publications.

- Douglas, Lawrence. 2004. "Trial as Documentary: Images of Eichmann." In *Law's Moving Image*, edited by Leslie J. Moran, Emma Sandon, Elena Loizidou and Ian Christie, 95-106. London: Cavendish Publishing Limited.
- Douzinas, Costas. 1999. "Prosopon and Antiprosopon: Prolegomena for a Legal Iconology." In *Law and the Image: The Authority of Art and the Aesthetics of Law*, edited by Costas Douzinas and Lynda Nead, 36-69. Chicago: The University of Chicago Press.
- . 2000. "The Legality of the Image." *The Modern Law Review* 63 (6): 813-830.
- Douzinas, Costas, and Lynda Nead. 1999. "Introduction." In *Law and the Image: The Authority of Art and the Aesthetics of Law*, edited by Costas Douzinas and Lynda Nead, 1-15. Chicago: The University of Chicago Press.
- Douzinas, Costas, and Lynda Nead, eds. 1999. *Law and the Image: The Authority of Art and the Aesthetics of Law*. Chicago: The University of Chicago Press.
- Du, Biyu. 2015. "Staging Justice: Courtroom Semiotics and the Judicial Ideology in China." *International Journal for the Semiotics of Law* 1-20.
- Dwivedi, Sharda. 1998. "Bombay High Court: Satire in Stone." *The Lawyers Collective*, February-March: 26-30.
- Eber, Dorothy Harley. 1997. *Images of Justice: A Legal History of the Northwest Territories as Traced through the Yellowknife Courthouse Collection of Inuit Sculpture*. Montreal & Kingston: McGill-Queen's University Press.
- Edgerton, Samuel. 2003. "When Even Artists Encouraged the Death Penalty." *Law and Literature* 15 (2): 235-265.
- Editorial. 1879. "No Title." *Times of India*, March 21: 2.

- Emsley, Clive, Tim Hitchcock, and Robert Shoemaker. 2017. "Historical Background - History of The Old Bailey Courthouse." Vers. 7.0. *Old Bailey Proceedings Online*. February 5. Accessed February 5, 2017. [www.oldbaileyonline.org](http://www.oldbaileyonline.org).
- Epstein, James. 2003. *In Practice: Studies in the Language and Culture of Popular Politics in Modern Britain*. Stanford: Stanford University Press.
- Express News Services. 2016. "Madras High Court's Strength Increases to 40 with Six New Judges Sworn-in." *The New Indian Express*. April 8. Accessed July 15, 2016. <http://www.newindianexpress.com/cities/chennai/Madras-High-Courts-Strength-Increases-to-40-with-Six-New-Judges-Sworn-in/2016/04/08/article3368932.ece>.
- Feigenson, Neal. 2011. "The Visual in Law: Some Problems for Legal Theory." *Law, Culture and the Humanities* 1-11.
- Felman, Shoshana. 2002. "Forms of Judicial Blindness: Traumatic Narratives and Legal Repetitions." In *History, Memory, and the Law*, edited by Austin Sarat and Thomas R. Kearns, 25-94. Ann Arbor: The University of Michigan Press.
- Ferguson, Niall. 2003. *Empire: How Britain Made the Modern World*. London: Allen Lane.
- Ferguson, Robert. 1988. "Holmes and the Judicial Figure." *The University of Chicago Law Review* 55 (2): 506-547.
- Fernando, Lahiru. 2016. "Supreme Court rejects petition filed against National Government classification." *News 1st*. October 3. Accessed February 1, 2017. <http://newsfirst.lk/english/2016/10/supreme-court-rejects-petition-filed-national-government-classification/150557>.
- Firstpost Staff. 2015. "Caging of Ambedkar statues in Tamil Nadu points out something much darker and sinister." *Firstpost*. October 6. Accessed February 1, 2017.

<http://www.firstpost.com/india/caging-of-ambedkar-statues-in-tamil-nadu-points-out-something-much-darker-and-sinister-2457760.html>.

Flanders, Steven. 2006. *Celebrating the Courthouse: A Guide for Architects, Their Clients, and the Public*. New York: W. W. Norton & Company, Inc.

Fletcher, Tim. 2012. *Silk or Polyester: What Does the Future Hold for Senior Counsel?* Vers. <http://www.polity.org.za/article/silk-or-polyester-what-does-the-future-hold-for-senior-counsel-2012-07-20>. 20 July. Accessed March 12, 2013. <http://www.polity.org.za>.

Foucault, Michel. 1975. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.

—. 1972. *The Archaeology of Knowledge*. Translated by A. M. Sheridan Smith. New York: Harper & Row.

Fraade, Steven D. Winter 2012. "Violence and Ancient Public Spheres: A Response." *Yale Journal of Law and the Humanities* 24 (1): 137-140.

Frankenberg, Gunter. 2016. "Before the Law: The Discourse about "Access to Justice"." Chap. 7 in *Comparative Law as Critique*, by Gunter Frankenberg, 205-224. Cheltenham: Edward Elgar Publishing Limited.

—. 2016. *Comparative Law as Critique*. Cheltenham: Edward Elgar Publishing Limited.

Freeman, Michael, ed. 2005. *Law and Popular Culture: Current Legal Issues 2004*. Vol. 7. Oxford: Oxford University Press.

Fyzee, Murad. 1997. *A Prince, Poison, and Two Funerals: The Bhowal Sanyasi Case*. Mumbai: English Edition Publishers and Distributors (I) Pvt. Ltd.

Galanter, Marc. 1968. "Introduction: The Study of the Indian Legal Profession." *Law and Society Review* 201-217.

- . 1989. *Law and Society in Modern India*. New Delhi: Oxford University Press.
- . 2005. *Lowering the Bar: Lawyer Jokes and Legal Culture*. Madison: The University of Wisconsin Press.
- . 1989. "New Patterns of Legal Services in India." *Law and Society in Modern India* 279-295.
- Gandhi, J. S. 1982. *Lawyers and Touts: A Study in the Sociology of Legal Profession*. New Delhi: Hindustan Pub. Corp.
- Gandhi, M. K. 1962. *The Law and the Lawyers*. Edited by S. B. Kher. Ahmedabad: Navajivan Publishing House.
- Garner, Bryan A., and Henry Campbell Black, eds. 2004. *Black's Law Dictionary*. Saint Paul, Minnesota: Thomson/West Group.
- Genn, Hazel. Winter 2012. "What is Civil Justice For? Reform, ADR, and Access to Justice." *Yale Journal of Law and the Humanities* 24 (1): 397-418.
- Gertner, Nancy. Winter 2012. "From "Rites" to "Rights": The Decline of the Criminal Jury Trial." *Yale Journal of Law and the Humanities* 24 (1): 433-438.
- Ghosh, Durba. 2006. *Sex and the Family in Colonial India: The Making of Empire*. Cambridge: Cambridge University Press.
- Gibson, James L., Milton Lodge, and Benjamin Woodson. 2014. "Losing, but Accepting: Legitimacy, Positivity Theory, and the Symbols of Judicial Authority." *Law and Society Review* 48 (4): 837-866.
- Giddens, Thomas, ed. 2015. *Graphic Justice: Intersections of Comics and Law*. Oxon: Routledge.

- Glancey, Jonathan. 2006. *Eyewitness Companions: Architecture*. London: DK: Dorling Kindersley.
- Golan, Tal. 2008. "Visual Images in the Courtroom: A Historical Perspective." *Parallax* 14 (4): 77-89.
- Goldberger, Paul. 2009. *Why Architecture Matters*. New Haven: Yale University Press.
- Goldsmith, Jill. 2009. "Writing for Television: From Courtroom to Writer's Room." Chap. 1 in *Lawyers in Your Living Room: Law on Television*, edited by Michael Asimow, 5-14. Chicago: American Bar Association Publishing.
- Goodman, Nelson. 1985. "How Buildings Mean." *Critical Inquiry* 11 (4): 642-653.
- Goodrich, Peter. 1990. "Languages of Law: From Logics of Memory to Nomadic Masks." In *Modalities of Legal Annunciation: A Linguistics of Courtroom Speech*, by Peter Goodrich, Chapter 6. London: Weidenfeld and Nicolson.
- . 1984. "Law and Language: An Historical and Critical Introduction." *Journal of Law and Society* 11 (2): 173-206.
- . 1998. "Law by Other Means." *Cardozo Studies in Law and Literature* 10 (2): 111-116.
- . 2014. *Legal Emblems and the Art of Law: Obiter Depicta as the Vision of Governance*. New York: Cambridge University Press.
- . 2008. "Megalography." *Symbolism* 8: 83.
- . 1988. "Modalities of Annunciation: An Introduction to Courtroom Speech." Edited by Roberta Kevelson. *Law and Semiotics* (Plenum Press) 2: 143-165.
- . 1995. *Oedipus Lex: Psychoanalysis, History, Law*. Berkeley and Los Angeles: University of California Press.

- . 1989. "Pro Lectione Pictura Est: The Picture Takes the Place of Knowing How to Read - Images of the Legal Body in the Work of Pierre Legendre." Edited by Roberta Kevelson. *Law and Semiotics* (Plenum Press) 3: 95-126.
- . 2004-2005. "Satirical Legal Studies: From the Legists to the Lizard." *Michigan Law Review* 103: 397-517.
- . 2011. "Specters of Law: Why the History of the Legal Spectacle Has Not Been Written." *UC Irvine Law Review* 1: 773-812.
- . 2012. "The Foolosophy of Justice and the Enigma of Law." *Yale Journal of Law and the Humanities* 24: 141-178.
- . 2013. "Visiocracy: On the Futures of the Fingerpost." *Critical Inquiry* 39 (3): 498-531.
- Goodsell, Charles T. 1988. "The Architecture of Parliaments: Legislative Houses and Political Culture." *British Journal of Political Science* 18 (3): 287-302.
- Gopal, Ram. 1965. *Lokmanya Tilak: A Biography*. London: Asia Publishing House.
- Gopalratnam, V. C. 1962. *A Century Completed: A History of the Madras High Court (1862 - 1962)*. Madras: Madras Law Journal Office.
- Gordon, Robert. 1997. "Foreword: The Arrival of Critical Historicism." *Stanford Law Review* 49: 1023-1029.
- Green, Michael K. 1994. "Images of Justice." *International Journal for the Semiotics of Law* VII (21): 241-251.
- Groseclose, Barbara. 1995. *British Sculpture and the Company Raj: Church Monuments and Public Statuary in Madras, Calcutta, and Bombay to 1858*. Newark: University of Delaware Press.



- Grossman, Nerit. 2015. "Just Looking: Justice as Seen in Hollywood Courtroom Films." *Law, Culture and the Humanities* 1-44.
- Gupta, Kalpeshkumar L., and Shivali Rathore. 2016. "Legal Aspects Of Heritage In India." *Live Law*. November 18. Accessed February 4, 2017. <http://www.livelaw.in/legal-aspects-heritage-india/>.
- Hajjar, Lisa. 2005. "Going to Court." Chap. 3 in *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza*, by Lisa Hajjar, 79-95. Berkeley: University of California Press.
- Haldar, Piyel. 1994. "In and Out of Court: On Topographies of Law and the Architecture of Court Buildings (A Study of the Supreme Court of the State of Israel)." *International Journal for the Semiotics of Law* VII (20): 185-200.
- . 1996. "Review Articles: The Spectacular and Symbolic Forms of Legal Architecture." *Association of Art Historians* 448-453.
- . 1999. "The Function of the Ornament in Quintilian, Alberti, and Court Architecture." Chap. 5 in *Law and the Image: The Authority of Art and the Aesthetics of Law*, edited by Costas Douzinas and Lynda Nead, 117-136. Chicago: University of Chicago Press.
- . 2008. "Watermarks." *Parallax* 14 (4): 101-113.
- Hale, Brenda. 2010. "From County Hall to Supreme Court." In *The Supreme Court of the United Kingdom: History, Art, Architecture*, edited by Chris Miele, 12-35. London: Merrell Publishers Limited.
- Hancock, Beverley. 1998. *Trent Focus for Research and Development in Primary Health Care: An Introduction to Qualitative Research*. Nottingham: Trent Focus Group.

- Hanneorla, Hanneorla. 2005. "Alfredo Ceschiatti 'Lady of Justice', Federal Supreme Court, Brasilia, Brazil." *Flickr*. December 8. Accessed February 1, 2017. <https://www.flickr.com/photos/hanneorla/71491701/>.
- Hanser, Kenneth H. 1976. "Life in the D. C. Model Courtroom." *American Bar Association Journal* 62 (11): 1462-1464.
- Hasenmueller, Christine. Spring 1978. "Panofsky, Iconography, and Semiotics." *The Journal of Aesthetics and Art Criticism* 36 (3): 289-301.
- Hay, Douglas. n.d. "Criminal Law: The Hay-Langbein Debate; Property, Authority and the Criminal Law." In *The Age of Equity: Legal Developments*, IX-105 - IX-147.
- Helfrich, Tobias. 2004. "Federal Constitutional Court: German Court." *Encyclopædia Britannica*. August 26. Accessed February 1, 2017. <https://www.britannica.com/topic/Federal-Constitutional-Court>.
- Herz, Ruth. 2012. *The Art of Justice: The Judge's Perspective*. Oxford: Hart Publishing Ltd.
- n.d. *High Court of Bombay*. Accessed April 24, 2012. <http://bombayhighcourt.nic.in/>.
- n.d. *High Court of Delhi*. Accessed November 25, 2016. <http://delhihighcourt.nic.in/>.
- n.d. *High Court of Punjab and Haryana*. Accessed November 25, 2016. <http://highcourtchd.gov.in/>.
2007. *High Court, Madras: Law Day, 2007: A Report*. Chennai: High Court, Madras.
- Highsmith, Carol M. 2007. "'Figure of Justice from U.S. Courthouse, Alexandria, Virginia" at Daniel Patrick Moynihan U.S. Courthouse, New York, New York." *Library of Congress*. Accessed February 1, 2017. <https://www.loc.gov/resource/highsm.02735/>.

- Hinnells, John R., and Alan Williams, eds. 2008. *Parsis in India and the Diaspora*. Oxon: Routledge.
- n.d. "Historical Cases." *High Court of Bombay*. Accessed July 05, 2016. [http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second\\_Tilak\\_Trial-1909.html](http://bombayhighcourt.nic.in/libweb/historicalcases/cases/Second_Tilak_Trial-1909.html).
- n.d. *History: High Court of Bombay*. Accessed July 2, 2016. <http://bombayhighcourt.nic.in/history.php>.
- Hoeflich, Michael H. 2012. *The Law in Postcards and Ephemera*. New Jersey: The Lawbook Exchange Ltd.
- Holden, Livia. 2008. *Hindu Divorce: A Legal Anthropology*. Padstow: Ashgate Publishing Limited.
- Home Department. 1867. *Judicial - A (1866-1870) (Projects): Distribution of Original Criminal Jurisdiction between High Courts*. New Delhi: National Archives of India, 89-103.
- HT Correspondent. 2000. "Women, Dalits want Manu's statue removed." *Dr. Babasaheb Ambedkar and His People*. August 19. Accessed November 16, 2016. <http://www.ambedkar.org/News/hl/Dalits%20want.htm>.
- . 2010. "New SC annexe at Appu Ghar." *Hindustan Times*. April 25. Accessed February 4, 2017. <http://www.hindustantimes.com/delhi/new-sc-annexe-at-appu-ghar/story-ia0P4ANdVwia1pOpaaHZcL.html>.
- . 2010. "Take down photos of judges who convicted freedom fighters: Plea." *Hindustan Times*. August 10. Accessed February 3, 2017. <http://www.hindustantimes.com/mumbai/take-down-photos-of-judges-who-convicted-freedom-fighters-plea/story-eKNFNBFXeWtto2Sr20bBQI.html>.

- n.d. "Iconography." *Oxford Dictionaries*. Accessed April 24, 2013. <https://en.oxforddictionaries.com/definition/iconography>.
- Illustrated London News*. 1884. "Holloway Sanatorium, Virginia Water, Surrey, UK, in 1884." January 5. Accessed February 1, 2017. [https://en.wikipedia.org/wiki/Holloway\\_Sanatorium#/media/File:HollowaySan1884front.jpg](https://en.wikipedia.org/wiki/Holloway_Sanatorium#/media/File:HollowaySan1884front.jpg).
- Irvine, Richard D.G. 2013. "Stability, Continuity, Place: An English Benedictine Monastery as a Case Study in Counterfactual Architecture." In *Religious Architecture: Anthropological Perspectives*, edited by Oskar Verkaaik, 25-45. Amsterdam: Amsterdam University Press.
- Jackson, Bernard S. 1994. "Envisaging Law." *International Journal for the Semiotics of Law* VII (21): 311-334.
- Jaffe, James. 2014. "Custom, Identity, and the Jury in India, 1800-1832." *The Historical Journal* (Cambridge University Press) 57 (1): 131-155.
- . 2010. "Review: Crime and Punishment in Colonial India." *H-Law: H-Net Reviews* 1-3.
- . 2015. *The Ironies of Colonial Governance: Law, Custom, and Justice in Colonial India*. Cambridge: Cambridge University Press.
- . 2016. *The Tortured Life and Mysterious Death of Trial by Jury in India*. Center for South Asia, University of Wisconsin-Madison. Madison. Accessed April 24, 2016. <http://southasia.wisc.edu/podcast/the-tortured-life-and-mysterious-death-of-trial-by-jury-in-india-james-jaffe/>.
- Jain, M. P. 2012. *Outlines of Indian Legal and Constitutional History*. 6th, Reprint. Nagpur: LexisNexis Butterworths Wadhwa.

- James, Lawrence. 1997. *Raj: The Making and Unmaking of British India*. London: Hachette Digital.
- Janardhanan, Arun. 2015. "Madras High Court judge alleges caste bias in collegium system." *The Indian Express*. November 9. Accessed February 1, 2017. <http://indianexpress.com/article/india/india-news-india/madras-high-court-judge-alleges-caste-bias-in-collegium-system/>.
- Janwalkar, Mayura. 2009. "100 Years of Clothing the Law." *Daily News and Analysis (DNA)*. September 30. Accessed August 8, 2016. <http://www.dnaindia.com/mumbai/report-100-yrs-of-clothing-the-law-1293865>.
- Jay, Martin. 2003. "Must Justice Be Blind: The Challenge of Images to the Law." In *Refractions of Violence*, by Martin Jay, 87-102. New York: Routledge.
- Jewitt, Carey, and Rumiko Oyama. 2004. "Visual Meaning: A Social Semiotic Approach." In *The Handbook of Visual Analysis*, edited by Theo Van Leeuwen and Carey Jewitt, 134-157. London: SAGE Publications Ltd.
- Jha, Shiva Kant. 2011. *On the Loom of Time: An Autobiographical Memoir*. New Delhi: Taxmann Publications (P) Ltd.
- John G. Waite Associates. n.d. "State University Plaza, Albany, NY." *John G. Waite Associates, Architects*. Accessed February 7, 2017. <http://www.jgwaarchitects.com/portfolio/public-buildings/state-university-plaza/state-university-plaza.htm>.
- Joost-Gaugier, Christiane L. 1996. "Michelangelo's Ignudi, and the Sistine Chapel as a Symbol of Law and Justice." *Artibus et Historiae* 17 (34): 19-43.
- Kafka, Franz. 2015. "Before the Law." In *The Trial*, by Franz Kafka, translated by Ian Johnston. Accessed August 8, 2016. <https://records.viu.ca/~Johnstoi/kafka/beforethelaw.htm>.

—. 1974. *The Trial: Definitive Edition*. New York: Schocken Books.

Kamath, M. V. 2007. *Nani A. Palkhivala: A Life*. New Delhi: Hay House India.

Kamble, Aman. 2010. "Dr. Ambedkar is a National Leader: Madras HC." *www.amankumarkamble.blogspot.in*. February 12. Accessed February 1, 2017. <http://amankumarkamble.blogspot.in/2010/02/drambedkar-is-national-leader-madras-hc.html>.

Kannabiran, K. G. 2000. "Manu's Statue." *People's Union for Civil Liberties*. November 25. Accessed April 24, 2016. [www.pucl.org/reports/National/2001/manu.htm](http://www.pucl.org/reports/National/2001/manu.htm).

—. 2004. *The Wages of Impunity: Power, Justice and Human Rights*. New Delhi: Orient Longman Private Limited.

Kannan, Justice K. 2012. "The Adhikaranaikas and Incumbents of Higher Positions." In *The Madras High Court: A 150-year Journey from a Crown Court to a People's Court*, by N. L. Rajah, 146-164. Chennai: C. Sitaram & Co.

n.d. "Kansas Judicial Branch Photo Album." *Kansas Judicial Branch: Kansas Courts*. Accessed February 1, 2017. <http://www.kscourts.org/kansas-courts/supreme-court/photo-album/statue.asp>.

Karmi-Melamede, Ada. 1990. "The Supreme Court Building, Israel." *Perspecta* 26: 83-96.

Kevelson, Roberta. 2002. "Dissent and the Anarchic in Legal Counter-Culture: A Peircean View." *Ratio Juris* 15 (1): 16-25.

—. 1994. "Icons of Justice/Spirits of Law." *International Journal for the Semiotics of Law* VII (21): 227-239.

- . 1987. "Introduction to the First Round Table on Law and Semiotics." Edited by Roberta Kevelson. *Law and Semiotics* (Plenum Press) 1: 1-24.
- . 1988. "Introduction to the Second Round Table on Law and Semiotics: Pragmatic Method and Some Consequences." Edited by Roberta Kevelson. *Law and Semiotics* (Plenum Press) 2: 1-12.
- . 1989. "Introduction to the Third Round Table on Law and Semiotics: A Multifaceted Representation of 'Property' and of 'Discovery' in Law." Edited by Roberta Kevelson. *Law and Semiotics* (Plenum Press) 3: 1-12.
2015. *Talvar*. Directed by Meghna Gulzar. Produced by Vineet Jain and Vishal Bhardwaj. Performed by Irrfan Khan, Konkona Sen Sharma, Neeraj Kabi and Sohumi Shah.
- Khorakiwala, Rahela. 2014. "Judicial Iconography in India." *Asian Journal of Legal Education* (SAGE Publications India Pvt. Ltd.) 89-101.
- Kidambi, Prashant. 2007. *The Making of an Indian Metropolis: Colonial Governance and Public Culture in Bombay, 1890-1920*. Aldershot: Ashgate.
- Kidder, Robert. 1973. "Courts and Conflict in an Indian City: A Study in Legal Impact." *Journal of Commonwealth Political Studies* 11: 121-139.
- . "Formal Litigation and Professional Insecurity: Legal Entrepreneurship in South India." *Law and Society Review* 9: 11-37.
- Kirpal, B. N., Ashok H. Desai, Rajeev Dhavan, and Raju Ramachandran. 2004. *Supreme But Not Infallible: Essays In Honour of the Supreme Court of India*. New Delhi: Oxford University Press.
- Kolsky, Elizabeth. 2005. "A Note on the Study of Indian Legal History." *Law and History Review* 23 (3): 703-706.

- . 2010. *Colonial Justice in British India*. Cambridge : Cambridge University Press.
- Kozinski, Alex, and Robert Johnson. 2010. "Of Cameras and Courtrooms." *Fordham Intellectual Property, Media and Entertainment Law Journal* 20 (4): 1107-1134.
- Krishnamoorthi, Tekur. n.d. "Madras High Court: A Profile." Chennai.
- . n.d. "Madras High Court: History at a Glance." Chennai.
- Krishnan, Jayanth K. 2003. "Social Policy Advocacy and the Role of the Courts in India." *American Asian Review* 21: 91-124.
- . 2004. "Professor Kingsfield Goes to Delhi: American Academics, the Ford Foundation, and the Development of Legal Education in India." *The American Journal of Legal History* XLVI: 447-499.
- Kumar, Dr. Surendra. 1995. *Opposition to Manu: Why?* Translated by Dr. Khazan Singh Gulia. New Delhi: Arsh Sahitya Prachar Trust.
- Kumar, Mohan. 2009. "Gowning Glory." *The Indian Express*. January 26. Accessed August 8, 2016. <http://archive.indianexpress.com/news/gowning-glory/415226/0>.
- Lahav, Alexandra D. Winter 2012. "Rites Without Rights: A Tale of Two Military Commissions." *Yale Journal of Law and the Humanities* 24 (1): 439-472.
- Lahav, Pnina. 2004. "Theater in the Courtroom: The Chicago Conspiracy Trial." *Law and Literature* 16 (3): 381-474.
- Landauer, Carl. 1994. "The Debut of the Palais de Justice: Official Architecture and Its Representations." *Yale Journal of Law & the Humanities* 6 (1): 181-193.



- Lanni, Adriaan. Winter 2012. "Publicity and the Courts of Classical Athens." *Yale Journal of Law and the Humanities* 24 (1): 119-136.
- Law Commission of India. 1958. *Fourteenth Report: Reform of Judicial Administration*. New Delhi: Ministry of Law, Government of India.
- Lazarus-Black, Mindie, and Susan F. Hirsch, eds. 1994. *Contested States: Law, Hegemony and Resistance*. New York: Routledge.
- Leeuwen, Theo Van. 2006. "Semiotics and Iconography." In *Handbook of Visual Analysis*, edited by Theo Van Leeuwen and Carey Jewitt. Willshire: Cromwell Press Limited.
- Legally India. 2014. "BKC HC: Advocates group wants to expand Bombay HC into Bandra-Kurla Complex." *Legally India*. August 21. Accessed February 3, 2017. <http://www.legallyindia.com/201408214975/Bar-Bench-Litigation/bkc-hc-advocates-group-wants-to-expand-bombay-hc-into-bandra-kurla-complex>.
- Legendre, Pierre. 2008. "The Dogmatic Value of Aesthetics." *Parallax* 14 (4): 10-17.
- Leubsdorf, John. Winter 2012. "Justice Unrepresented." *Yale Journal of Law and the Humanities* 24 (1): 247-255.
- Lofgren, Eva. 2012. "This is Not a Courthouse." In *Legal Stagings: The Visualization, Medialization and Ritualization of Law in Language, Literature, Media, Art and Architecture*, edited by Kjell A. Modeer and Martin Sunnqvist, 237-263. Copenhagen: Museum Tusulanum Press.
- Lok Sabha Secretariat. 1946-1950. *Constituent Assembly Debates*. New Delhi: Lok Sabha Secretariat.
- n.d. *LSM: Law Suits and More*. Accessed February 5, 2017. <https://lawsuitsandmore.com/>.

- Macey, David. 2004. *Critical Lives: Michel Foucault*. London: Reaktion Books Ltd.
- Machura, Stefan, Stefan Ulbrich, Francis M. Nevins, and Nils Behling. 2001. "Law in Film: Globalizing the Hollywood Courtroom Drama." *Journal of Law and Society* 28 (1): 117-132.
- Mack, Natasha, Cynthia Woodsong, Kathleen M. MacQueen, Greg Quest, and Emily Namey. 2005. *Qualitative Research Methods: A Data Collector's Guide*. Durham: Family Health International.
- n.d. *Madras High Court*. Accessed June 09, 2016. <http://www.hcmadras.tn.nic.in/>.
- n.d. "Madras High Court Museum: A Glimpse." Chennai.
- Madras Musings*. 2012. "Luminaries of our High Court." September 16-31. Accessed February 10, 2017. <http://madrasmusings.com/Vol%2022%20No%2011/luminaries-of-our-high-court.html>.
- Mahadevan, Asha. 2012. "Bombay High Court turns 150." *Mid Day*, 17 August.
- Majumdar, Ramendra Mohan, ed. 1950. *The Calcutta Law Journal: Reports of Cases*. Vol. 85. Calcutta: Calcutta Law Journal Ltd.
- . 1950. *The Calcutta Law Journal: Reports of Cases*. Vol. 86. Calcutta: Calcutta Law Journal Ltd.
- Male, Emile. 1973. *The Gothic Image: Religious Art in France of the Thirteenth Century*. Translated by Dora Nussey. Vol. Reprint. New York: Icon.
- Mani, T. R. 2012. "The High Court and its Structure - Physical and Phenomenal." In *1862 - 2012: Madras High Court - A Saga*, by High Court, Madras Souvenir Committee, 247-250. Chennai: Gnanodaya Press.

- Manning, J. G. Winter 2012. "The Representation of Justice in Ancient Egypt." *Yale Journal of Law and the Humanities* 24 (1): 111-118.
- Manohar, Sujata. 2016. "Doing justice to Bombay High Court." *The Hindu*. July 14. Accessed August 13, 2016. <http://www.thehindu.com/news/cities/mumbai/news/doing-justice-to-bombay-high-court/article8847019.ece>.
- Manoj. 2013. "Supreme Court of India." *Sightseeing with Google Satellite Maps*. December 13. Accessed February 1, 2017. <http://www.satellite-sightseer.com/id/2799>.
- Mark Spitzer Designs. 2015. "Robson Square – Vancouver Law Courts." *Travel Design Impressions: How we live in our world*. March 26. Accessed February 1, 2017. <https://markspitzerdesigns.wordpress.com/2015/03/26/robson-square-vancouver-law-courts/>.
- Mary, Rose. 2013. *MAMTA - (1966) - Full Movie*. Online Video. September 7. Accessed February 1, 2017. <https://www.youtube.com/watch?v=NC-T2M3FLrM>.
- Masilamani, G. 2012. "High Court, Madras - Past and Present - a 50 years Perspective (Certain Aspects)." In *1862 - 2012: Madras High Court - A Saga*, by High Court, Madras Souvenir Committee, 218-229. Chennai: Gnanodaya Press.
- Mathews, Jane de Hart. 1976. "Art and Politics in Cold War America." *The American Historical Review* 81 (4): 762-787.
- Matlock, Jann. 1994. "Review: In the Theater of Criminal Justice: The Palais de Justice in Second Empire Paris by Katherine Fischer Taylor." *The Art Bulletin* 76 (4): 726-730.
- McBarnet, Doreen. 1981. "Magistrates' Courts and the Ideology of Justice." *British Journal of Law and Society* 8 (2): 181-197.

- McLaren, James G. 1999. "A Brief History of Wigs in the Legal Profession." *International Journal of the Legal Profession* 6 (2): 241-250.
- McQueen, Rob. 1999. "Of Wigs and Gowns: A Short History of Legal and Judicial Dress in Australia." *Law in Context* 16 (1): 31-58.
- Mehrotra, Rahul, and Sharada Dwivedi. 2004. *The Bombay High Court: The Story of the Building, 1878 - 2003*. Mumbai: Eminence Designs Pvt. Ltd.
- Members, Souvenir Committee. 2012. *Madras High Court (1862-2012): Sesquicentenary Celebrations Volume*. Chennai: Gnanodaya Press.
- Mendelsohn, Oliver. 1996. "Liberalisation and the Indian Legal System." *Asian Studies Review* 19 (3): 20-25.
- . 2005. "The Indian Legal Profession, the Courts and Globalisation." *South Asia: Journal of South Asian Studies* 28 (2): 301-320.
- . 1981. "The Pathology of the Indian Legal System." *Modern Asian Studies* (Cambridge University Press) 15 (4): 823-863.
- . "The Supreme Court as the Most Trusted Public Institution in India." *South Asia: Journal of South Asian Studies* 23 (1): 103-119.
- . 1993. "The Transformation of Authority in Rural India." *Modern Asian Studies* (Cambridge University Press) 27 (4): 805-842.
- Merry, Sally Engle. 1994. "Courts as Performances: Domestic Violence Hearings in a Hawai'i Family Court." In *Contested States: Law, Hegemony and Resistance*, edited by Mindie Lazarus-Black and Susan F. Hirsch, 35-59. New York: Routledge.
- . 1988. "Legal Pluralism." *Law & Society Review* 22 (5): 869-896.

- . 1991. "Review: Law and Colonialism." *Law & Society Review* 25 (4): 889-922.
- Mertz, Elizabeth. 1994. "Legal Language: Pragmatics, Poetics and Social Power." *Annual Review of Anthropology* 23: 435-455.
- . 2001. "Review: Ideology in the Language of Judges: How Judges Practice Law, Politics, and Courtroom Control by Susan Philips." *Language in Society* 30 (1): 111-115.
- . 1988. "The Uses of History: Language, Ideology, and Law in the United States and South Africa." *Law and Society Review* 661-685.
- Michalsen, Dag. 2012. "Law as Visual Communication." In *Legal Stagings: The Visualization, Medialization and Ritualization of Law in Language, Literature, Media, Art and Architecture*, edited by Kjell A. Modeer and Martin Sunnqvist, 91-97. Copenhagen: Museum Tusulanum Press.
- Miele, Chris, ed. 2010. *The Supreme Court of the United Kingdom: History, Art, Architecture*. London: Merrell Publishers Limited.
- n.d. "Mission of the In Flanders Fields Museum." *In Flanders Fields Museum*. Accessed July 8, 2016. <http://www.inlandersfields.be/en/practical/discover>.
- Mitchell, Lisa. 2014. "The Visual Turn in Political Anthropology and the Mediation of Political Practice in Contemporary India." *South Asia: Journal of South Asian Studies* (Routledge) 37 (3): 515-540.
- Modeer, Kjell A., and Martin Sunnqvist, eds. 2012. *Legal Stagings: The Visualization, Medialization and Ritualization of Law in Language, Literature, Media, Art and Architecture*. Copenhagen: Museum Tusulanum Press.
- Mohankumar, Vidhya. 2013. "Sunday morning at the Madras High Court." *Urban Design Collective*. December 18. Accessed February 10, 2017.

<https://urbandesigncollective.wordpress.com/2013/12/18/sunday-morning-at-the-madras-high-court/>.

- Moily, Dr. M. Veerappa. 2011. "Celebration of 150 years of the Calcutta High Court." Speech, Ministry of Law and Justice, Calcutta.
- Moog, Robert. 1992. "Delays in the Indian Courts: Why the Judges Don't Take Control." *The Justice System Journal* 16 (1): 19-36.
- Moog, Robert. 1993. "Indian Litigiousness and the Litigation Explosion: Challenging the Legend." *Asian Survey* 33 (12): 1136-1150.
- Moog, Robert. 2008. "The Study of Law and India's Society: The Galanter Factor." *Law and Contemporary Problems* 71: 129-137.
- Mookerjee, Chittatosh, S. B. Mookherjee, Saktinath Mukhopadhyay, Surendra Kumar Kapur, Bhaskar P. Gupta, Samaraditya Pal, Amit Roy, and Sondwip Mukherjee, eds. 2012. *The High Court at Calcutta - 150 Years: An Overview*. Kolkata: The Indian Law Institute (West Bengal State Unit).
- Moran, Leslie J. 2014. "'Every Picture Tells a Story'; Picturing Judicial Biography." *Legal Information Management* 14 (1): 1-10.
- . 2012. "Every Picture Speaks a Thousand Words: Visualizing Judicial Authority in the Press." In *Intersections of Law and Culture*, edited by Priska Gisler, Sara Steinert Borella and Caroline Wiedmer, 31-49. Basingstoke, Hampshire: Palgrave Macmillan.
- . 2013. "Four Reflections on The Art of Justice: The Judge's Perspective." *Law and Humanities* 7 (1): 113-128.
- . 2012. "Imagining the Judge: A Case Study of Judicial Portraiture." In *Legal Stagings: The Visualization, Medialization and Ritualization of Law in*

- Language, Literature, Media, Art and Architecture*, edited by Kjell A. Modeer and Martin Sunnqvist, 205-235. Copenhagen: Museum Tusulanum Press.
- . 2009. "Judging Pictures: A Case Study of Portraits of the Chief Justices, Supreme Court of New South Wales." *International Journal of Law in Context* 5 (3): 295-314.
- . 2015. "Judicial Pictures as Legal Life-writing Data and a Research Method." *Journal of Law and Society* 42 (1): 74-101.
- . 2014. "Mass-mediated 'Open Justice': Court and Judicial Reports in the Press in England and Wales." *Legal Studies* 34 (1): 143-166.
- . 2012. "Review Essay: Visual Justice." *International Journal of Law in Context* (Cambridge University Press) 8 (3): 431-446.
- . 2014. "Why Did the Judges Cross the Road? Some Reflections on an Occasion of Contemporary Judicial Ceremony." *Law and Performance* 10: 35-75. Accessed April 24, 2016. <http://ler.letras.up.pt/uploads/ficheiros/13697.pdf#page=36>.
- Moran, Leslie J., Emma Sandon, Elena Loizidou, and Ian Christie, eds. 2004. *Law's Moving Image*. London: Cavendish Publishing Limited.
- Morrison, Charles. 1972. "Munshis and their Masters: The Organization of and Occupational Relationship in the Indian Legal System." *The Journal of Asian Studies* 31 (2): 309-318.
- Mossman, Mary Jane. 2004. "Cornelia Sorabji: A 'Woman in Law' in India in the 1890s." *Canadian Journal of Women and the Law* 16 (1): 54-85.
- Mukherjee, Mithi. 2009. *India in the Shadows of Empire: A Legal and Political History (1774-1950)*. London: Oxford University Press.

- Mukherjee, Sondwip. 2012. "3 Esplanade Row (West)." In *The High Court at Calcutta - 150 Years: An Overview*, edited by Chittatosh Mookerjee, S. B. Mookherjee, Saktinath Mukhopadhyay, Surendra Kumar Kapur, Bhaskar P. Gupta, Samaraditya Pal, Amit Roy and Sondwip Mukherjee, 27-38. Kolkata: The Indian Law Institute (West Bengal State Unit).
- Mukherji, Justice P. B. 1962. "Address of the Hon'ble Mr. Justice P. B. Mukherji." In *The High Court at Calcutta: Centenary Souvenir, 1862-1962*, 143-147. Calcutta: Saraswaty Press Ltd. (Govt. of W.B. Enterprise).
- Mulcahy, Linda. 2007. "Architects of Justice: The Politics of Courtroom Design." *Social and Legal Studies* (SAGE Publications) 16: 383-403.
- . 2008. "Architectural Precedent: The Manchester Assize Courts and Monuments to Law in the Mid-Victorian Era." *King's Law Journal* 19 (3): 525-549.
- . 2011. "Imagining Alternative Visions of Justice: An Exploration of the Controversy Surrounding Stirling Lee's Depictions of Justitia in Nineteenth-Century Liverpool." *Law, Culture and the Humanities* 9 (2): 311-329.
- . 2011. *Legal Architecture: Justice, Due Process and the Place of Law*. New York: Routledge.
- Mulcahy, Linda. 2008. "The Unbearable Lightness of Being? Shifts Towards the Virtual Trial." *Journal of Law and Society* 35 (4): 464-489.
- Munro, John H. 1999. "The Symbiosis of Towns and Textiles: Urban Institutions and the Changing Fortunes of Cloth Manufacturing in the Low Countries and England, 1270 -1570." *The Journal of Early Modern History: Contacts, Comparisons, Contrasts* 3 (1): 1-74.
- Murali, Tara. 2012. "Glory of the Building." In *The Madras High Court: A 150-year Journey from a Crown Court to a People's Court*, by N.L. Rajah. Chennai: C. Sitaram & Co. .



- Muthiah, S. 2011. *A Madras Miscellany: A Decade of People, Places & Potpourri*. Chennai: EastWest Books (Westland Ltd.).
- Muthiah, S., ed. 2008. *Madras (Chennai): A 400-year Record of the First City of Modern India - The Land, The People and Their Governance*. Chennai: Palaniappa Brothers.
- . 2015. *Tales of Old and New Madras: The Dalliance of Miss Mansell and 37 Other Stories of 375 years*. 3rd. Chennai: East West Press.
- Mutunga, Dr. Willy. 2013-2014. "Dressing and Addressing the Kenyan Judiciary: Reflecting on the History and Politics of Judicial Attire and Address." *Buffalo Human Rights Law Review* 20: 125-157.
- Nagamuthu, Justice S., Justice P. N. Prakash, and Justice Pushpa Sathyanarayana, eds. 2015. *Madras High Court: Report 2011 - 2014*. Annual Report, Chennai: Gnanodaya Press.
- Nair, P. Thankappan, ed. 1987. *Early History of the Calcutta High Court*. Calcutta: Banerjee Book Company.
- Nair, Pooja. n.d. "Talwars (Divided by) Facts = An "Opinionated" Verdict!" *India Opines*. Accessed February 1, 2017. <http://indiaopines.com/aarushi-talwar-opinionated-verdict/>.
- Nariman, Fali S. 2010. *Before Memory Fades: An Autobiography*. New Delhi: Hay House India.
- Nead, Lynda. 2005. "Courtroom Sketching: Reflections on History, Law and the Image." Edited by Michael Freeman. *Law and Popular Culture: Current Legal Issues* (Oxford University Press) 7: 173-182.

- O'Barr, William M. 1982. *Linguistic Evidence: Language, Power and Strategy in the Courtroom*. New York: Academic Press.
- Office of the Curator. 2003. "Courtroom Friezes: South and North Walls." *Supreme Court of the United States*. May 8. Accessed February 1, 2017. <https://www.supremecourt.gov/about/northandsouthwalls.pdf>.
2012. "Oldest lighthouse starts getting a new look." *The Indian Express*. July 6. Accessed February 10, 2017. <http://www.newindianexpress.com/states/tamil-nadu/2012/jul/06/oldest-lighthouse-starts-getting-a-new-look-384021.html>.
- O'Neill, Stephen C. 2001. "Of Gavels and Maces in the Modern Courts." *Massachusetts Legal History* 7: 55-61.
- O'Neill, Stephen C. 2001. "Why Are Judges' Robes Black?" *Massachusetts Legal History* 7: 119-123.
2008. "Opening of the New Law Courts at Madras." *The Law Weekly* 43-47.
- Otter, S. M. den. 2013. "Review: Colonial Justice in British India: White Violence and the Rule of Law, by Elizabeth Kolsky." *Victorian Studies* 56 (1): 126-127.
- Our Bureau. 2011. "Tatas vs 'people in power': Gloves off but no stay on Day One." *The Telegraph*, June 23: 3.
- Outlook. 2015. "Punjab: BSP Activists Stage Sit-In Over Ambedkar Statue Desecration." *Outlook*. June 23. Accessed February 1, 2017. <http://www.outlookindia.com/newswire/story/punjab-bsp-activists-stage-sit-in-over-ambedkar-statue-desecration/903502>.
- Padmanabhan, Geeta. 2014. "Through Chennai's majestic halls of justice." *The Hindu*. September 9. Accessed April 24, 2016. <http://www.thehindu.com/features/metroplus/madras-high-court-through-chennais-majestic-halls-of-justice/article6394471.ece>.

- Palit, Sudhindra Kumar, ed. 1972. *The Indian Law Reports: Calcutta Series*. Calcutta: West Bengal Government Press.
- . 1972. *The Indian Law Reports: Calcutta Series*. Vol. I. Calcutta: West Bengal Government Press.
- Panchu, Sriram. 2015. "Restoring the law in courts." *The Hindu*. September 25. Accessed June 30, 2016. <http://www.thehindu.com/opinion/op-ed/restoring-the-law-in-courts/article7686059.ece>.
- Panofsky, Erwin. 1953. *Early Netherlandish Painting: Its Origins and Character*. Cambridge: Harvard University Press.
- . 1982. "Iconography and Iconology: An Introduction to the Study of Renaissance Art." Chap. 1 in *Meaning in the Visual Arts*, by Erwin Panofsky, 26-54. Phoenix: The University of Chicago Press.
- . 1982. *Meaning in the Visual Arts*. Phoenix: The University of Chicago Press.
- Parker, James E. K. 2015. "Towards an Acoustic Jurisprudence: Law and the Long Range Acoustic Device." *Law, Culture and the Humanities* (Sage Publications) 1-17.
- Parry, Jonathan. 2015. "The Anthropologist's Assistant (or the Assistant's Anthropologist?): The Story of a Disturbing Episode." *Focaal - Journal of Global and Historical Anthropology* 72: 112-127.
- Pasricha, Avinash. 2000. *Supreme Court of India: Sentinel of Freedom*. New Delhi: Ajanta Offset & Packaging Limited.
- Perry, Barbara A. Spring 2001. "The Israeli and United States Supreme Courts: A Comparative Reflection on Their Symbols, Images, and Functions." *The Review of Politics* 63 (2): 317-339.

- Philips, Susan U. 1998. *Ideology in the Language of Judges: How Judges Practice Law, Politics, and Courtroom Control*. New York: Oxford University Press.
- Philips, Susan U. 1998. "Judges' Ideologies of Courtroom Control." Chap. 5 in *Ideology in the Language of Judges: How Judges Practice Law, Politics, and Courtroom Control*, by Susan U. Philips, 87-115. New York: Oxford University Press.
- Plumber, Mustafa. 2016. "Man, who built Bombay High Court museum, does not want court to be shifted to suburbs." *DNA: Daily News and Analysis*. June 17. Accessed February 3, 2017. <http://www.dnaindia.com/mumbai/report-man-who-built-bombay-high-court-museum-does-not-want-court-to-be-shifted-to-suburbs-2224590>.
- Prasad, I.C.R. 2014. "The Lighthouse with a Gilded Dome." *Lighthouse Digest Magazine*, November-December. Accessed February 10, 2017. <http://www.lhdigest.com/digest/StoryPage.cfm?StoryKey=4217>.
- Prasad, Rajendra. 1958. "President's Speech while Opening the New Building of the Supreme Court on August 4, 1958." Speech, Government of India, New Delhi.
- Press Trust of India. 2016. "Ambedkar's Statue Damaged in Uttar Pradesh, Angry Mob Blocks Roads." *The Quint*. December 1. Accessed February 1, 2017. <https://www.thequint.com/india/2016/12/01/dr-br-ambedkar-statue-desecrated-damaged-uttar-pradesh-angry-protesters-block-roads-traffic-police-akhilesh-yadav>.
- . 2014. "Calling judges 'lord', 'lordship', 'your honour' not mandatory: Supreme Court." *NDTV*. January 6. Accessed July 31, 2016. <http://www.ndtv.com/india-news/calling-judges-lord-lordship-your-honour-not-mandatory-supreme-court-546975>.
- . 2016. "Names Of Calcutta, Madras, Bombay High Courts May Not Change In Near Future." *NDTV*. December 15. Accessed December 16, 2016.

<http://www.ndtv.com/india-news/names-of-calcutta-madras-bombay-high-courts-may-not-change-in-near-future-1637966>.

—. 2012. "PIL urges removal of portrait of judge who sentenced Tilak." *DNA: Daily News and Analysis*. August 17. Accessed February 3, 2017. <http://www.dnaindia.com/mumbai/report-pil-urges-removal-of-portrait-of-judge-who-sentenced-tilak-1729243>.

Preziosi, Donald. 2009. "Mechanisms of Meaning: Introduction." Chap. 5 in *The Art of Art History: A Critical Anthology*, edited by Donald Preziosi, 215-219. New York: Oxford University Press.

Preziosi, Donald, ed. 2009. *The Art of Art History: A Critical Anthology*. 2nd. New York: Oxford University Press.

Preziosi, Donald, and Claire Farago. 2012. "Second Incursion: The Dangers of Art and the Trap of the Visual." In *Art Is Not What You Think It Is*, by Donald Preziosi and Claire Farago, 33-51. Chichester, West Sussex: Wiley-Blackwell.

Project Gutenberg. 1849. *Notes and Queries, Number 05*. BookRags, Inc.

Public Works Department. 1867. *CW Miscellaneous A (Building): 1864-1886 A.D. - High Court, Post, Public Works Offices, Bombay*. New Delhi: National Archives of India, 51.

Public Works Department. 1868. *CW Miscellaneous A (Building): 1864-1886 A.D. - New High Court and Small Causes Court, Bombay*. New Delhi: National Archives of India, 38-39.

Public Works Department. 1867. *CW Miscellaneous A (Building): 1864-1886 A.D. - New High Court, Bombay*. New Delhi: National Archives of India, 8-13.

Publications Division. 1986. *Trial of Tilak*. 2nd. New Delhi: Ministry of Information and Broadcasting, Government of India.

- Rai, Shirin M. 2014. "Political Aesthetics of the Nation: Murals and Statues in the Indian Parliament." *Interventions: International Journal of Postcolonial Studies* 1-18.
- Raja, Elaya. 2013. "Chennai Lighthouse." *COV: Chennai Overview*. November 12. Accessed February 1, 2017. <http://chennaioverview.blogspot.in/2013/11/chennai-lighthouse.html>.
- Rajah, N. L. 2012. *The Madras High Court: A 150-year Journey from a Crown Court to a People's Court*. Chennai: C. Sitaram & Co.
- n.d. *Rajasthan High Court*. Accessed April 24, 2016. <http://hcraj.nic.in/>.
- Raman, Anantanarayanan. 2016. "The Grecian Doric-column lighthouse of Madras (1840) and its builder John Thomas Smith, Madras Army Corps of Engineers." *Current Science* III (6): 1106-1111.
- Ramasubramanian, R. 2015. "Madras High Court: 'Never before has it fallen to such low levels,' said the CJI." *Scroll*. September 29. Accessed February 1, 2017. <https://scroll.in/article/758584/madras-high-court-never-before-has-it-fallen-to-such-low-levels-said-the-cji>.
- Ramnath, Kalyani. 2013. "The Colonial Difference between Law and Fact: Notes on the Criminal Jury in India." *The Indian Economic and Social History Review* 50 (3): 341-363.
- Ranchoddass, Ratanlal, and Dhirajlal Keshavlal Thakore, eds. 1912. *The Bombay Law Reporter*. Vol. XIV No. 17. Bombay.
- . 1912. *The Bombay Law Reporter*. Vol. XIV No. 18. Bombay.
- Rao, Prianka. 2016. "Bill Summary: The High Courts (Alteration of Names) Bill, 2016." New Delhi: PRS Legislative Research, July 25.

- Ray, Mohim Chandra, ed. 1909. *The Calcutta Case-Law*. Calcutta: Henderson & Culshaw.
- Reeves, Peter. 1998. *Silk Cut: Are Queen's Counsel Necessary*. United Kingdom: ASI (Research Limited).
- Registrar General, Bombay High Court. 2014. *High Court of Bombay Booklet, 2014*. Mumbai: Bombay High Court Judges' Library.
- Registrar General, High Court, Madras. 2011. *Madras High Court: Marching Towards Sesquicentennial Celebrations*. Annual Report, Chennai: Gnanodaya Press.
- Reisner, I M, and N M Goldberg, eds. 1956. *Tilak and the Struggle for Indian Freedom*. New Delhi: People's Publishing House, New Delhi.
1926. "Reminiscences of a Lawyer." *The Madras Weekly Notes* 78-94.
- Resnik, Judith. 1982. "Managerial Judges." *Harvard Law Review* 96 (2): 374-448.
- Resnik, Judith, and Dennis Curtis. 1987. "Images of Justice." *The Yale Law Journal* 96 (8): 1727-1772.
- . 2011. *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms*. New Haven: Yale University Press.
- . 2012. "Re-presenting Justice: Visual Narratives of Judgment and the Invention of Democratic Courts." *Yale Journal of Law and the Humanities* 24 (19): 19-93.
- . 2007. "The Jayne Lecture: Representing Justice: From Renaissance Iconography to Twenty-First-Century Courthouses." *Proceedings of the American Philosophical Society* 151 (2): 139-183.

- Resnik, Judith, Dennis Curtis, and Allison Tait. 2013. "Constructing Courts: Architecture, the Ideology of Judging, and the Public Sphere." Chap. 23 in *Law, Culture and Visual Studies*, edited by Anne Wagner and Richard K. Sherwin, 515-545. New York and London: Springer.
- Ribner, Jonathan P. 1999. "Law and Justice in England and France: The View from Victorian London." In *Law and the Image: The Authority of Art and the Aesthetics of Law*, by Costas Douzinas and Lynda Nead, 178-199. Chicago: The University of Chicago Press.
- Roque, Craig San. 2006. "Get the Picture: Central Australian Indigenous Paintings, which Reveal Collaborative Thought about Contemporary Social Situations." *Law Text Culture* 10: 153-166.
- Rosand, David. Winter 2012. "The Color of Justice and Other Observations: A Response." *Yale Journal of Law and the Humanities* 24 (1): 305-310.
- Russell, Hon. Mary. 2013. "Skirts in the Courtroom: Missouri's First Rural Women Lawyers." *Journal of the Missouri Bar* 284-289.
- Rycroft, Roxana. 2011. "Hidden Penalties Faced by Non-English Speakers in the UK Criminal Justice System: An Interpreting Perspective." In *Exploring Courtroom Discourse: The Language of Power and Control*, edited by Anne Wagner and Le Cheng, 209-226. Surrey: Ashgate Publishing Limited.
- Sagar. 2016. "Madhya Pradesh: Miscreants attempt to desecrate Ambedkar's statue, one held." *DNA: Daily News and Analysis*. August 28. Accessed February 1, 2017. <http://www.dnaindia.com/india/report-madhya-pradesh-miscreants-attempt-to-desecrate-ambedkar-s-statue-one-held-2249542>.
- Sainath, P. 1999. "Dalits & Human Rights: The Battles Ahead - II." *People's Union for Civil Liberties*. July. Accessed April 24, 2016. <http://www.pucl.org/from-archives/Dalit-tribal/battles2.htm>.



- Saletore, R. N. 1970. "Aesop borrowed from Indian folklore." *The Times of India*, November 8: A7.
- Samant-Gupte, Kirti, ed. 2014. *Vakilnama: Celebrating 150 years of the Advocates' Association of Western India*. Mumbai: Advocates' Association of Western India.
- Santhosh, J. 2015. "In a First, CCTV Cameras Fixed in Chief Justice's Court." *The New Indian Express*. September 24. Accessed August 2, 2016. [http://www.newindianexpress.com/states/tamil\\_nadu/In-a-First-CCTV-Cameras-Fixed-in-Chief-Justices-Court/2015/09/24/article3044535.ece1](http://www.newindianexpress.com/states/tamil_nadu/In-a-First-CCTV-Cameras-Fixed-in-Chief-Justices-Court/2015/09/24/article3044535.ece1).
- Sarat, Austin. 1996. "Speaking of Death: Narratives of Violence in Capital Trials." In *The Rhetoric of Law: The Amherst Series in Law, Jurisprudence, and Social Thought*, edited by Austin Sarat and Thomas R. Kearns, 135-184. Ann Arbor: The University of Michigan Press.
- Sarat, Austin, and Thomas R. Kearns, eds. 2002. *History, Memory, and the Law*. Ann Arbor: The University of Michigan Press.
- . 1995. *Law's Violence*. Ann Arbor: The University of Michigan Press.
- . 1996. *The Rhetoric of Law: The Amherst Series in Law, Jurisprudence, and Social Thought*. Ann Arbor: The University of Michigan Press.
- Sarat, Austin, and Thomas R. Kearns. 2002. "Writing History and Registering Memory in Legal Decisions and Legal Practices: An Introduction." In *History, Memory, and the Law*, edited by Austin Sarat and Thomas R. Kearns, 1-24. Ann Arbor: The University of Michigan Press.
- Sarat, Austin, Lawrence Douglas, and Martha Merrill Umphrey, eds. 2003. *Law's Madness*. Ann Arbor: The University of Michigan Press.

- Sarat, Austin, Matthew Anderson, and Cathrine O. Frank, eds. 2009. *Law and the Humanities: An Introduction*. Cambridge: Cambridge University Press.
- Sarkar, Mahua. 1997. *Justice in a Gothic Edifice: The Calcutta High Court and Colonial Rule in Bengal*. Calcutta: Firma KLM Private Limited.
- Sathe, Dr. Milind R., Nitin G. Thakker, and Dr. Birendra Saraf, eds. 2016. *Bombay Bar Association: A Legacy of Law*. Mumbai: Bombay Bar Association.
- Scheppele, Kim Lane. Winter 2012. "Judges as Architects." *Yale Journal of Law and the Humanities* 24 (1): 345-396.
- Schmitthener, Samuel. 1968-1969. "A Sketch of the Development of the Legal Profession in India." *Law & Society Review* 3 (2/3): 337-382.
- Scroll Staff. 2017. "Pending cases at the Supreme Court rose 88% since it was established." *Scroll*. January 19. Accessed February 1, 2017. <https://scroll.in/latest/827097/pending-cases-at-the-supreme-court-rose-88-since-it-was-established>.
- Secretary, Judicial Department. 1862. "Copy of the Charter for the Establishment of the High Court at Calcutta, and of Despatch relating thereto." *Papers Relating to the Establishment of the High Court at Calcutta*. London: House of Commons Parliamentary Papers Online, July 2.
1966. *Mamta*. Directed by Asit Sen. Produced by Charu Chitra. Performed by Suchitra Sen, Ashok Kumar and Dharmendra.
- Seshacharri, V. C., ed. 1914. *The Law Weekly*. Vol. 1. Madras: V. C. Seshacharri.
- Setlur, S. S., and K. G. Deshpande, eds. 1897. *A Full and Authentic Report of the Trial of the Hon'ble Mr. Bal Gangadhar Tilak, B.A., LL.B., at the Fourth Criminal Sessions 1897*. Bombay: Education Society's Press.

- Shah, Hemali Chhopia. 2015. "Judges on land hunt for high court expansion." *The Times of India*. August 25. Accessed February 3, 2017. <http://timesofindia.indiatimes.com/city/mumbai/Judges-on-land-hunt-for-high-court-expansion/articleshow/48660198.cms>.
- Shanmugasundaram, Dr. Vedagiri. 2008. "History (1600-1900)." In *Madras (Chennai): A 400-year Record of the First City of Modern India - The Land, The People and Their Governance*, edited by S. Muthiah, 199-224. Chennai: Palaniappa Brothers.
- Sharafi, Mitra. Fall 2007. "A New History of Colonial Lawyering: Likhovski and Legal Identities in the British Empire." *Law & Social Inquiry* 32 (4): 1059-1094.
- . 2014. *Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772-1947*. New York: Cambridge University Press.
- . 2015. "South Asian Legal History." *Annual Review of Law and Social Science* 309-336.
- . 2014. "The Jury and Intragroup Control: The Parsi Chief Matrimonial Court." Chap. 5 in *Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772-1947*, by Mitra Sharafi, 193-236. New York: Cambridge University Press.
- Shepard, Steven. 2006. "Should the Criminal Defendant Be Assigned a Seat in Court?" *The Yale Law Journal* 115 (8): 2203-2210.
- Shepherd, Anne C. 2016. "Mental Health Care and Charity for the Middling Sort: Holloway Sanatorium, 1885-1900." In *Medicine, Charity and Mutual Aid: The Consumption of Health and Welfare in Britain, c. 1550-1950*, edited by Anne Borsay and Peter Shapely. Oxon: Routledge.
- Sherwin, Richard K. 2011. *Visualizing Law in the Age of the Digital Baroque*. London: Routledge.

- Silbey, Jessica. 2001. "Patterns of Courtroom Justice." *Journal of Law and Society* 28 (1): 97-116.
- Silbey, Susan. 2008. "Legal Consciousness." In *New Oxford Companion to Law*. Oxford: Oxford University Press.
- Silbey, Susan S., and Ayn Cavicchi. 2005. "The Common Place of Law: Transforming Matters of Concern into the Objects of Everyday Life." In *Making Things Public: Atmospheres of Democracy*, edited by Bruno Latour and Peter Weibel, 556-565. Cambridge, MA: The MIT Press.
- Simon, Jonathan, Nicholas Temple, and Renee Tobe, eds. 2013. *Architecture and Justice: Judicial Meanings in the Public Realm*. Surrey: Ashgate Publishing Limited.
- Simon, William H. Winter 2012. "Courthouse Iconography and Chayesian Judicial Practice." *Yale Journal of Law and the Humanities* 24 (1): 419-431.
2014. *Gunday*. Directed by Ali Abbas Zafar. Produced by Aditya Chopra. Performed by Ranveer Singh, Arjun Kapoor, Priyanka Chopra and Irrfan Khan.
- Singha, Radhika. 2000. *A Despotism of Law: Crime and Justice in Early Colonial India*. New Delhi: Oxford University Press.
- Sinha, D. N. 2012. "The Last Hundred Years (1862 - 1962)." In *The High Court at Calcutta - 150 Years: An Overview*, edited by Chittatosh Mookerjee, S. B. Mookherjee, Saktinath Mukhopadhyay, Surendra Kumar Kapur, Bhaskar P. Gupta, Samaraditya Pal, Amit Roy and Sond Mukherjee, 58 - 80. Kolkata: The Indian Law Institute (West Bengal State Unit).
- Sinha, Justice S. B., Justice R. V. Raveendran, and Justice D. K. Jain, eds. 2008. *The Supreme Court of India: Annual Report 2007-2008*. Annual Report, New Delhi: The Supreme Court of India.

- Sircar, Oishik. 2015. "Bollywood's Law: Collective Memory and Cinematic Justice in the New India." *No Foundations: An Interdisciplinary Journal of Law and Justice* 94-135.
- Sivarajan, D. 2016. "Heritage Matters: Shoddy work on MHC ire judges and observers." *Daily Thanthi: DT Next*. October 22. Accessed February 10, 2017. <http://www.dtnext.in/News/City/2016/10/22105007/1019825/Heritage-Matters-Shoddy-work-on-MHC-ire-judges-and-.vpf>.
- Skyberg, Lisbeth Fullu. 2012. "Staged Justice." In *Legal Stagings: The Visualization, Medialization and Ritualization of Law in Language, Literature, Media, Art and Architecture*, edited by Kjell A. Modeer and Martin Sunnqvist, 265-278. Copenhagen: Museum Tusculanum Press.
- Slanski, Kathryn E. Winter 2012. "The Law of Hammurabi and Its Audience." *Yale Journal of Law and the Humanities* 24 (1): 97-110.
- Soucek, Brian. Winter 2012. "Not Representing Justice: Ellsworth Kelly's Abstraction in the Boston Courthouse." *Yale Journal of Law and the Humanities* 24 (1): 287-304.
- Souvenir Committee. 2012. *Sesquicentenary Celebration of the High Court at Calcutta (1862-2012)*. Kolkata: Saraswaty Press Limited (Government of West Bengal Enterprise).
- Souvenir Committee, High Court, Madras. 2012. *1862 - 2012: Madras High Court - A Saga*. Chennai: Gnanodaya Press.
- Spaulding, Norman W. Winter 2012. "The Enclosure of Justice: Courthouse Architecture, Due Process, and the Dead Metaphor of Trial." *Yale Journal of Law and the Humanities* 24 (1): 311-344.
- Special Correspondent. 2016. "Now, Bombay, Madras and Calcutta High Courts to bear city names." *The Hindu*. July 5. Accessed July 15, 2016.

<http://www.thehindu.com/news/national/bombay-madras-calcutta-high-courts-to-be-renamed/article8811881.ece>.

Speel, Bob. 2014. "Justice Statue, Old Bailey, by F.W. Pomeroy." *The Second Website of Bob Speel*. October 1. Accessed February 1, 2017. <http://www.speel.me.uk/sculptlondon/oldbaileyjustice.htm>.

Srinivasachari, Rao Sahib C. S. 1939. *History of the City of Madras: For the Tercentenary Celebration Committee*. Madras: P. Varadachary & Co.

n.d. "State University Plaza." *SUNY: The State University of New York*. Accessed February 7, 2017. <https://www.suny.edu/about/state-university-plaza/>.

Statesman News Service. 2012. "Remove picture of judge who punished Tilak." *The Statesman*. August 18. Accessed November 28, 2016. [http://202.144.14.20/index.php?option=com\\_content&view=article&show=archive&id=420512&catid=36&year=2012&month=8&day=19&Itemid=66](http://202.144.14.20/index.php?option=com_content&view=article&show=archive&id=420512&catid=36&year=2012&month=8&day=19&Itemid=66).

Steggles, Mary Ann. 1998. "Review of British Sculpture and the Company Raj: Church Monuments and Public Statuary in Madras, Calcutta, and Bombay to 1858 by Barbara Groseclose." *Victorian Studies* 41 (2): 323-325.

Steinhauer, Fabian. 2008. "Legislating the Right to One's Own Picture. Imagine the Reichstag." *Parallax* 14 (4): 114-121.

Subramani, A. 2010. "Violence mars CM's function at Madras HC." *The Times of India*, April 26: 1.

Suchindran, B. N. 2011. "Of Contemptuous Courage." *The myLaw.net Blog*. October 9. Accessed November 24, 2016. <http://blog.mylaw.net/tag/madras-high-court/page/2/>.

- Sudharkar, Justice R., Justice M. M. Sundresh, and Justice P. N. Prakash, eds. 2015. *Madras High Court: Annual Report 2015*. Annual Report, Madras High Court, Chennai: Gnanodaya Press, 130.
- n.d. *Supreme Court of India*. Accessed November 22, 2016. <http://supremecourtfindia.nic.in/>.
- Supreme Court of India. 2008. *Annual Report 2007-2008*. New Delhi: Supreme Court of India.
- n.d. "Supreme Court of India Museum: History." *Supreme Court of India*. Accessed November 22, 2016. <http://supremecourtfindia.nic.in/supct/scm/m2.pdf>.
- Sureshkumar. 2016. "Lawyers lay siege to Madras High Court." *The Hindu*. July 25. Accessed July 27, 2016. <http://www.thehindu.com/news/national/Lawyers-lay-siege-to-Madras-High-Court/article14508054.ece>.
- . 2015. "Mixed response to Central security." *The Hindu*. November 1. Accessed April 24, 2016. <http://www.thehindu.com/news/cities/chennai/mixed-response-to-central-security/article7828523.ece>.
- Tahmankar, D. V. 1956. *Lokamanya Tilak: Father of Indian Unrest and Maker of Modern India*. London: John Murray (Publishers) Ltd.
- Tait, Allison Anna. Winter 2012. "What We Didn't See Before." *Yale Journal of Law and the Humanities* 24 (3): 3-15.
- Taraporewala, B. I., ed. 1978. *The Bombay Law Reporter*. Vol. LXXX. Bombay: The Bombay Law Reporter Office.
- Taslitz, Andrew E. 1999. *Rape and the Culture of the Courtroom*. New York: New York University Press.

- Taylor, Katherine Fischer. 2013. "Geometries of Power: Royal, Revolutionary, and Postrevolutionary French Courtrooms." *Journal of the Society of Architectural Historians* 72 (4): 434-474.
- . 1993. *In the Theater of Criminal Justice: The Palais de Justice in Second Empire Paris*. Princeton: Princeton University Press.
- . 1999. "The Festival of Justice: Paris, 1849." In *Law and the Image: The Authority of Art and the Aesthetics of Law*, edited by Costas Douzinas and Lynda Nead, 137-177. Chicago: The University of Chicago Press.
- Thakore, Dhirajlal Keshavlal, and Manhar Ratanlal Vakil, eds. 1962. *The Bombay Law Reporter*. Vol. LXIV. Bombay: The Bombay Law Reporter Office.
1899. *The Bombay Law Reporter: A Fortnightly Legal Journal*. Bombay: Ratanlal Ranchoddass.
- 1911-1912. *The Calcutta Weekly Notes: Law Notes and Notes of Cases of the Calcutta High Court and of the Judicial Committee of the Privy Council and the English Law Courts*. Vol. XVI. Calcutta: Joy Gopal Das.
- 1896-1897. *The Calcutta Weekly Notes: Law Notes and Notes of Important Decisions of the Calcutta High Court and of Appeals to the Judicial Committee of the Privy Council*. Vol. I. Calcutta.
- The Editorial Committee. 1962. *The Madras High Court: 1862 - 1962: Centenary Volume*. Madras: The Associated Printers.
- The Editorial Committee, Madras High Court. 1962. *High Court of Judicature at Madras - Centenary Celebrations Volume: 1862 - 1962*. Madras: The Editorial Committee.
- The Governor-General in Council. 1876. *The Indian Law Reports: Calcutta Series*. Vol. I. Calcutta: Secretariat Press.



1962. *The High Court at Calcutta: Centenary Souvenir, 1862-1962*. Calcutta: Saraswaty Press Ltd. (Govt. of W.B. Enterprise).

The Indian Express. 2016. "High Courts of Bombay, Madras to undergo change in names." *The Indian Express*. July 6. Accessed July 15, 2016. <http://indianexpress.com/article/india/india-news-india/high-courts-of-bombay-madras-to-undergo-change-in-names/>.

1999. *The Madras Bar Association - The High Court, Madras (1865 - 1999): 135th Year Celebration*. Chennai: The Madras Bar Association.

The Madras Tercentenary Publication Committee. 1939. *The Madras Tercentenary Commemoration Volume*. Madras: Oxford University Press.

The Public Affairs Department. n.d. "Tour of Supreme Court." *The State of Israel: The Judicial Authority*. Accessed April 24, 2016. <http://elyon1.court.gov.il/eng/siyur/index.html>.

The Publishers. 1932. *Indian Judges: Biographical & Critical Sketches with Portraits*. Madras: G. A. Natesan & Co.

The Publishers. 1932. "Sir T. Muthusami Ayyar." In *Indian Judges: Biographical & Critical Sketches with Portraits*, by The Publishers, 1-32. Madras: G. A. Natesan & Co.

The Publishers. 1932. "Sir V. Bhashyam Iyengar." In *Indian Judges: Biographical & Critical Sketches with Portraits*, by The Publishers, 119-144. Madras: G. A. Natesan & Co.

*The Times of India*. 1927. "Calcutta High Court: Mr. J. R. Lort-Williams to Succeed Sir W. E. Greaves." December 12: 14.

*The Times of India*. 1976. "City Lights: "Wild" justice." January 26: 3.

*The Times of India*. 1879. "The New High Court." January 28: 2.

*The Times of India*. 1882. "The News." November 9: 3.

1908. *The Trial of Ban Gangadhar Tilak, B.A., L.L.B.: The Kesari Prosecution*. Madras: Ganesh & Co.

Thomas, Brook. 2002. "Stigmas, Badges, and Brands: Discriminating Marks in Legal History." In *History, Memory, and the Law*, edited by Austin Sarat and Thomas R. Kearns, 249-282. Ann Arbor: The University of Michigan Press.

Thomas, Rosamma. 2017. "Campaign starts to rid HC of Manu statue." *The Times of India*. January 4. Accessed February 1, 2017. <http://timesofindia.indiatimes.com/city/jaipur/campaign-starts-to-rid-hc-of-manu-statue/articleshow/56337048.cms>.

Thomas, Shibu. 2007. "Historic room in high court gets a makeover." *The Times of India*, June 2: 11.

—. 2010. "PIL seeks removal of statues of British judges from courts." *The Times of India*, August 10: 7.

Thomson, N. H., H. C. Kirkpatrick, Khandarav Chimanrav Bedarkar, and Vishnu Ghanasham, eds. 1878. *The Indian Law Reports: Bombay Series*. Vol. II. Bombay: Thacker, Spink and Co.

Times News Network. 2014. "Lawyers protest shifting of family courts." *The Times of India*. February 11. Accessed February 4, 2017. <http://timesofindia.indiatimes.com/city/delhi/Lawyers-protest-shifting-of-family-courts/articleshow/30181589.cms>.

Tsang, Louise. 1999. "History of Legal Dress in Canada, England, Ireland and Scotland: A Selected Bibliography." *Canadian Law Libraries* 55-59.

- Under Secretary of State for India. 1909. "Return to an Address of the Honourable the House of Commons." *East India (Prosecutions for Speeches)*. London: House of Commons Parliamentary Papers Online, March 3.
- United News of India. 2008. "People bid farewell to Appu Ghar." *DNA: Daily News and Analysis*. February 17. Accessed February 4, 2017. <http://www.dnaindia.com/india/report-people-bid-farewell-to-appu-ghar-1151348>.
- V., Sriram. 2012. "Hundred years of a statue in Chennai." *The Hindu*. April 4. Accessed February 10, 2017. <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/hundred-years-of-a-statue-in-chennai/article3279436.ece>.
- Vachha, P. B. 2011. *Famous Judges, Lawyers and Cases of Bombay*. New Delhi: Universal Law Publishing Co. Pvt. Ltd.
- Vance, Nicole Ashley. 2016. "Integrators of Design: Parsi Patronage of Bombay's Architectural Ornament." Master of Arts Thesis, Department of Comparative Arts and Letters, Brigham Young University, Provo.
- Varghese, Philip. 2010. "'Patriot' goes after British portraits, busts in HC." *Afternoon: Despatch and Courier*. August 10. Accessed November 28, 2016. [http://afternoondc.in/city-news/patriot-goes-after-british-portraits-busts-in-hc/article\\_6769](http://afternoondc.in/city-news/patriot-goes-after-british-portraits-busts-in-hc/article_6769).
- . 2012. "Remove Justice Davar's portrait, urges PIL." *Afternoon: Despatch & Courier*. August 18. Accessed February 3, 2017. [http://www.afternoondc.in/city-news/remove-justice-davars-portrait-urges-pil/article\\_62985](http://www.afternoondc.in/city-news/remove-justice-davars-portrait-urges-pil/article_62985).
- n.d. "Venues: Chester Town Hall." *Art UK*. Accessed February 7, 2017. <https://artuk.org/visit/venues/chester-town-hall-6109#>.

- Vismann, Cornelia. 2008. "Image and Law - a Troubled Relationship." *Parallax* 14 (4): 1-9.
- Viswanathan, S. 2009. "Courting Trouble." *Frontline*, March 14-27.
- Wadia, Sorab P. N. 1897. *The Institution of Trial by Jury in India*. Bombay: Fort Printing Press.
- Wagner, Anne, and Le Cheng. 2011. *Exploring Courtroom Discourse: The Language of Power and Discourse*. Surrey: Ashgate Publishing Limited.
- Wagner, Anne, and Richard K. Sherwin, eds. 2014. *Law, Culture and Visual Studies*. New York and London: Springer.
- Wagner, Anne, and William Pencak. 2006. *Images in Law*. Burlington: Ashgate Publishing Company.
- Wahlgren, Peter. 2012. "Visualization of the Law." In *Legal Stagings: The Visualization, Medialization and Ritualization of Law in Language, Literature, Media, Art and Architecture*, edited by Kjell A. Modeer and Martin Sunnqvist, 19-24. Copenhagen: Museum Tusulanum Press.
- Walawalkar, R. T. 1970. "Aesop's debt to the Panchatantra." *The Times of India*, December 27: A7.
- Wallis, Mieczyslaw. 1973. "Semantic and Symbolic Elements in Architecture: Iconology as a First Step Towards an Architectural Semiotic." *Semiotica* 8 (3): 220-238.
- Wander & Discover. 2015. "South Mumbai heritage - a walk into a bygone era." *WanderDiscover*. August 24. Accessed February 1, 2017. <https://wanderndiscover.wordpress.com/2015/08/24/south-mumbai-heritage-a-walk-into-a-bygone-era/>.

- Watt, Gary. 2013. *Dress, Law and Naked Truth: A Cultural Study of Fashion and Form*. London: Bloomsbury Academic.
- Watts, Oliver. 2006. "The Image and the Terrorist." *Law Text Culture* 10: 221-238.
- Weber, Max. 2004. "Politics as a Vocation." In *The Vocation Lectures*, by Max Weber, edited by David Owen and Tracy B. Strong, translated by Rodney Livingstone. Indianapolis: Hackett Publishing Company, Inc.
- Weisberg, Ruth. Winter 2012. "The Art of Memory and the Allegorical Personification of Justice." *Yale Journal of Law and the Humanities* 24 (1): 259-270.
- Williams, Elizabeth, and Sue Russell. 2014. *The Illustrated Courtroom: 50 Years of Court Art*. New York: CUNY Journalism Press.
- Woodcock, Thomas. 2003. *Legal Habits: A Brief Sartorial History of Wig, Robe and Gown*. London: Ede and Ravenscroft Limited.
- Woodlock, Douglas P. Winter 2012. "Communities and the Courthouses They Deserve. And Vice Versa." *Yale Journal of Law and the Humanities* 24 (1): 271-286.
- Xenophon. 1888. "Goculdass Tejpal Hospital (Native)." *Indian Engineering* 390. Accessed February 5, 2017. <https://archive.org/stream/indianengineerin04calcuoft#page/390/mode/1up>.
- Ya Libnan. 2012. "OTV: Samaha retracted earlier statements." *Ya Libnan*. August 13. Accessed February 1, 2017. <http://yalibnan.com/2012/08/13/otv-samaha-retracted-earlier-statements/>.
- Yablon, Charles M. 1995. "Judicial Drag: An Essay on Wigs, Robes and Legal Change." *Wisconsin Law Review* 1129-1153.
- Yadav, Manmohan. 2013. "World War I : The Legendary SMS Emden of Imperial German Navy." *Indian Defence*. June 3. Accessed February 1, 2017.

<http://indiandefence.com/threads/world-war-i-the-legendary-sms-emden-of-imperial-german-navy.27346/>.

Young, Carey. 2016. "Justice Must be Seen to be Done." *The Brooklyn Rail: Critical Perspectives on Arts, Politics, and Culture*. March 4. Accessed April 24, 2016. <http://www.brooklynrail.org/2016/03/criticspage/justicemustbeseentobedone>.

YRF Music. 2014. *Tune Maari Entriyaan - Full Song | Gunday | Ranveer Singh | Arjun Kapoor | Priyanka Chopra*. Online Video. March 13. Accessed February 2017, 1. <https://www.youtube.com/watch?v=j0TnkGXX2LE>.

## **ACTS, BILLS, ORDERS, RESOLUTIONS AND RULES**

*The Advocates Act, 1961*

*The Ancient Monuments and Archaeological Sites and Remains Act, 1958*

*The Bar Council of India Resolution No. 58/2006*

*The Bar Council of India Rules, 1975*

*The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003*

*The Constitution of India, 1950*

*The Contempt of Courts Act, 1971*

*The Contempt of Courts Act, 1981 (United Kingdom)*

*The Criminal Procedure Code, 1973*

*The Government of India Act, 1915*

*The Government of India Act, 1935*

*The High Court (Seals) Act, 1950*

*The High Courts (Alteration of Names) Bill, 2016*

*The Indian Easements Act, 1882*

*The Indian High Courts Act, 1861*

*The Indian High Courts Act, 1911*

*The Indian Lighthouse Act, 1927*

*The Indian Penal Code, 1860*

*The Information Technology Act, 2000*

*The Madras High Court (Establishment of a Permanent Bench at Madurai) Order, 2004*

*The Parsi Marriage and Divorce Act, 1865*

*The Pondicherry (Administration) Act, 1962*

*The Prohibition of Smoking in Public Places Rules, 2008*

*The Right to Information Act, 2005*

*The States Re-Organisation Act, 1956*