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Rahela Khorakiwala, *From the Colonial to the Contemporary: Images, Iconography, Memories, and Performances of Law in India's High Courts* (Oxford: Hart Publishing, 2019)

In this insightful monograph, Rahela Khorakiwala analyses the manner in which the iconography of three Indian High Courts (Calcutta, Bombay, and Madras) influences the judicial spaces as well as the narratives and delivery of justice. The three courts were all established in 1862, although their physical structures were constructed at different points during the late nineteenth century; Khorakiwala is, therefore, interested in exploring their distinct identities that grew from a common core. Using an eclectic methodology involving archival work, participant observation of judicial proceedings, and ethnographic interviews, Khorakiwala argues that the visual culture of courts performs a crucial role in creating an internal history of law and judicial institutions that affect public perceptions, and thereby the legitimacy, of the law.

Visual culture is important, as Khorakiwala notes, since justice must not only be done but also be seen to be done. This ocular aspect of justice, therefore, requires 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 (ie the mace, black gown and white band” (pp. 31-32). Controlling the visual images of the law is critical for it to maintain its superiority, hierarchy, and majesty. Building on the rich recent scholarship on judicial architecture and visual culture, Khorakiwala focuses specifically on the colonial history of the Indian High Courts. Architecture was a key aspect to British imperialism; Khorakiwala notes how colonial legal structures played a key role in the visual histories of the three courts. Physically imposing courts (and other governmental structures) were significant means of maintaining and buttressing British authority; through her case studies, she demonstrates how these ideas of hierarchy and domination pervade the courts even in independent India.

Khorakiwala dedicates a chapter to each of the three courts, drawing out aspects of their architecture, historical narrative, and traditions that reflect specific visions of judicial authority. On the theme of architecture, Khorakiwala describes how physical structures have created a judiciary that is removed from the public. Using the language of semiotics, she points to the significance of context and surroundings for interpreting judicial imagery, thereby being able to draw out meanings that may not have been intended when they were conceived. The principal structural feature of the Calcutta High Court, the first of the three to be constructed and located in the then capital of British India, is the front façade of the Gothic building that contains twenty-four intricately carved pillars to visually dominate the surrounding space. Khorakiwala describes the heavy security presence in the area that prevents members of the public from photographing or even writing about the pillars, creating patterns of exclusion from the court. Similarly exclusionary architectural choices made during the construction of the Bombay High Court, an imposing neo-Gothic structure, to keep the judicial elite apart from the common public haunt the functioning of the court even today. Attempts to remedy poor courtroom acoustics and the distinct lack of space for litigants and members of the public have also been marred by a sense of judicial superiority. Khorakiwala draws attention to the public interest litigation on the construction of a new court complex in Bombay in which the judges made clear that the views of the court administration would have primacy; although they claimed to have the welfare of the litigants at heart, this did not extend to actually hearing their concerns, a common phenomenon in the PIL

culture of Indian courts.<sup>1</sup> Unlike the other two courts, the Madras High Court was built in the Indo-saracenic style and adapted to local customs and architectural styles; it is also structured around common spaces and corridors for judicial staff and members of the public. Khorakiwala demonstrates how this architectural feature does not necessarily result in more openness; the court has instead developed a tradition in which staff use a silver mace to clear space in front of a procession of the judges. Either through physical structures or longstanding traditions, all three High Courts have managed to create physical divides between judges and members of the public that result in a vision of justice that must be venerated.

On the theme of historical narrative, Khorakiwala also discusses how the interplay between law, history, and memory creates a means for the court to depict its majesty. Staff and lawyers at the Calcutta High Court, whose original design was based on the Cloth Hall in Ieper, Belgium, take immense pride in claiming that the Cloth Hall was rebuilt after being bombed by the Nazis based on plans of the court complex. The claim, as Khorakiwala shows, is untrue, and goes to illustrate Indian pride at “gifting” something back to Europe. The Bombay High Court’s central courtroom, forever associated with the sedition trials of Bal Gangadhar Tilak, has become a contested space that struggles with the appropriate way for the court to memorialize its own colonial history. Judges and court staff at the Madras High Court have repurposed the towering lighthouse in the complex as a parallel for the “light of justice,” thereby controlling the narrative about the role of the court in the world.

Finally, Khorakiwala describes how longstanding court traditions have also played a role in the creation of a specific vision of judicial majesty. She discusses the opposition within large sections of judges, lawyers, and court staff to changing the names of the courts to reflect the changed names of the cities in which they are located (i.e. to Kolkata, Mumbai, and Chennai), arguing that this tussle reflected a desire to maintain judicial independence as well as hierarchy. All three High Courts also maintain the use of the English language despite its colonial legacy. While a majority of court actors oppose any change because of practical considerations such as the lack of a national language in India and the possible hindrance of the judicial function for judges unfamiliar with the local language, Khorakiwala also argues that the linguistic tool is another means for the court to assert its authority and legitimize its role. A similar role is played by the use of honorifics in addressing judges, a ritual that litigants and members of the public would be unfamiliar with, and thereby be excluded from. Court actors also separate themselves from “others” through the use of court dress, with elaborate distinctions being drawn to maintain hierarchies within the legal profession and the independent image of the judiciary. Khorakiwala describes the bans on photography and video-recording (as well as the ambivalence surrounding courtroom sketches) in much detail, noting the close connections between these rules and the desire of courts to preserve a specific version of their image. All these aspects of courtroom behaviour form parts of courtroom proceedings in which the court creates a sense of hierarchy and majesty. There are, however, recent moves that may loosen this strict control over the visual image of courts. In recent years, the live-tweeting and blogging of judicial hearings has become popular on account of legal websites such as Live Law, and the Supreme Court of India has approved of livestreaming court proceedings in principle.<sup>2</sup> Some High Courts (Gujarat and Karnataka) have started livestreaming on an

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<sup>1</sup> See, for instance, the revisionist history of public interest litigation in Anuj Bhunia, *Courting the People: Public Interest Litigation in Post-Emergency India* (Cambridge University Press 2016).

<sup>2</sup> *Swapnil Tripathi v Supreme Court of India* (2018) 10 SCC 628.

experimental basis,<sup>3</sup> and the Supreme Court has recently published draft rules on livestreaming and video-recording judicial proceedings.<sup>4</sup> It will be interesting to see how these changes affect the visual culture that courts have spent so long maintaining.

Khorakiwala uses the above examples to demonstrate the deeply ambivalent relationship between law and image, as well as the critical ways in which courtrooms create and impose distinctions between insiders and outsiders to the law. She does not argue that iconography or architecture directly influences specific trials or judgments but rather makes a broader claim about the relationship between visual culture, the judicial process, and access to justice. There is a fascinating section in the introduction in which Khorakiwala describes the differences in the ways she was treated as an academic (albeit also a lawyer) in the different courts and the numerous difficulties that she faced in navigating access, with Calcutta proving to be hostile, Madras being welcoming, and Bombay falling somewhere in the middle. More could have been done to incorporate this fully into the text, along with the perspectives of litigants on the hierarchies and the perceived sense of majesty created by the courts. Nevertheless, the book is richly detailed, contains stellar photographs, and is based on wide-ranging and thoughtful interviews; it is essential reading for scholars of colonial history, legal ethnography, and judicial culture.

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<sup>3</sup> Lydia Suzanne Thomas, 'Gujarat High Court to begin live streaming of proceedings from Chief Justice's courtroom' (*Bar and Bench*, 26 October 2020) <<https://www.barandbench.com/news/litigation/gujarat-high-court-to-begin-live-streaming-of-proceedings>>; and Rintu Mariam Biju, 'Karnataka High Court begins live streaming of proceedings via YouTube on experimental basis' (*Bar and Bench*, 31 May 2021) <<https://www.barandbench.com/news/litigation/karnataka-high-court-live-streaming-proceedings-youtube-experimental-basis>>.

<sup>4</sup> Radhika Roy, "'Right Of Access To Justice Includes Right To Access Live Court Proceedings"; e-Committee Of SC Releases Draft Rules On Live Streaming; Invites Inputs' (*Live Law*, 7 June 2021) <<https://www.livelaw.in/top-stories/supreme-court-e-committee-live-streaming-and-recording-of-court-proceeding-175341>>