

School of Law, Governance and Citizenship
Ambedkar University, Delhi
Course Outline: **Legal Trials and Public culture in India**

Course Code: SLGC2LP209

Title: Legal Trials and Public culture in India

Cohort for which it is compulsory: None

Cohort for which it is elective: M.A. in Law Politics and Society

No of Credits: 4

Semester and Year Offered: 3rd Semester course for M.A 2nd year students (Monsoon Sem 2018)

Course Coordinator and Team: Lawrence Liang

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Pre-requisites: None

Course Aim:

This course examines the public cultures of law. From the media coverage of legal trials and appellate cases to filmic representations, law serves as a crucial site for the staging of public dramaturges of justice. In the course we will examine three such sites - the legal trial as theatre of justice, cinema as an archive of law and citizenship and the legal event as media event in the contemporary. Following Veena Das's formulation of the critical event, this course asks what it means to think of the critical legal event in India. While legal cases are primarily studied for their legal consequences and their success or failure in delivering justice in individual cases, many legal events gain a significance beyond and become a part of a public memory as moments that redefine politics and culture. The course will equip students with

1. A better understanding of the public life of law and legal institutions
2. An analytical framework to understand the relationship between law, culture and media

3. An understanding of legal history beyond constitutional cases

A brief description of the Course:

While there has been much scholarship on the relationship between constitutional law and political history in India, therein much lesser attention paid to the role of trials in shaping public consciousness. Legal trials have played a significant role in shaping political events and moral debates in India. In this course we will examine trials (from the colonial and postcolonial period) that captured the imagination of the public and transcended their status as legal events into 'critical events'. These trials will range from political trials to scandalous passion crimes and in many instances we will look at the thematic continuities between the colonial period to the postcolonial.

Some of the topics that we will cover in the course include:

- The Idea of the 'big trial' and its place in Indian history
- Political trials (Bhagat Singh trial, INA trials and Meerut conspiracy case)
- Sedition trials from Gandhi and Tilak to the Kanhaiya Kumar sedition case
- Crimes of passions (Tarakeshwar murder, Abdul Bawla trial and the Nanavati trial)
- Identity on Trial (Bhawal Sanyasi case, The Lal Bihari Case)
- Hate speech and Communal relations (From the Rangila Rasool affair to contemporary debates on hate speech)
- International Comparison (The Mandela trial and the O J Simpson case)

Legal Trials and Public culture in India

Course Aims and Objectives

- A better understanding of the public life of law and legal institutions
- An analytical framework to understand the relationship between law, culture and media
- An understanding of legal history beyond constitutional cases

Background Books

The following books provide useful overviews of the field

A G Noorani, Political Trials

Sadakat Kadri, The Trial: A History From Socrates to O. J. Simpson

Lawrence M. Friedman, The Big Trial: Law as Public Spectacle

Syllabus with List of Readings

Module 1: Political Trials and the Theatres of Political Justice - 1

Topics to be Covered:

**(The Trial of Bahadur Shah Zafar)
(Political Violence and Legal trials- Alipore Bombing and Bhagat Singh trial)**

Week 1

Focus: The OJ Simpson trial

(Clips from two films and the trial will also be

Introduction : Legal Trials and their Publics

Extracts from Hannah Arendt, The house of Justice and Epilogue from Eichmann in Jerusalem, (Chapter 1, The house of justice and Epilogue)

Basak Ertur, Chapter 1, Theorising political trials from Spectacles and Spectres Political Trials, Performativity

<p>shown)</p>	<p>and Scenes of Sovereignty</p> <p>Sadakat Kadri, Introduction to The Trial: A History From Socrates to O. J. Simpson</p> <p>Additional Readings</p> <p>Eugenia Lean, Public Passions: The Trial of Shi Jianqiao and the Rise of Popular Sympathy in Republican China, pp.1-20</p> <p>Extracts from James Boyd White, . The Legal Imagination. Chicago: University of Chicago Press, 1985.</p> <p>Robert A. Ferguson, “Where Courtrooms and Communities Meet” in The Trial in American Life, pp.33-88 (The Scopes Trial)</p>
<p>Week 2: The Trial of Bahadur Shah Zafar</p>	<p>William Dalrymple, Chapter 12 and 13 of The Last Mughal: The Fall of a Dynasty, Delhi, 1857</p> <p>Mahmood Farooqui, Extract from Besieged: Voices From Delhi 1857</p> <p>Extracts from Trial transcripts of the Bahadur Shah Zafar trial</p> <p>Pramod Nayar, Introduction The Trial of Bhadur Shah Zafar</p> <p>Additional readings</p> <p>John Laughland, Regime Change and the Trial of Saddam Hussein from A History of Political Trials</p> <p>Anindita Mukhopadhyay, Chapter 1: The Creation of Categories and Spaces from Behind The Mask: The Cultural Definition of the Legal Subject in Colonial Bengal (1715-1911)</p>
<p>Week 3 : Political Violence and Trials (Alipore Bombing, Bhagat</p>	<p>Alipore Bombing & Bhagat Singh trial</p> <p>Noorul Hoda, Alipore bomb case, pp.49-144</p> <p>A G Noorani, The Trial of Bhagat Singh: Politics of</p>

<p>Singh Trial)</p>	<p>Justice, pp.47-190</p> <p>Kama Maclean, Chapter 1 “Of history and legend” from A Revolutionary History of Interwar India: Violence, Image, Voice and Text, pp.46-92</p> <p>Additional Readings</p> <p>Kuldip Nayar, Without Fear: The Life & Trial of Bhagat Singh, pp.82-189</p> <p>Peter Heehs, The Bomb in Bengal: The Rise of Revolutionary Terrorism in India, 1900-1910, pp.155-218</p>
<p>Week 4</p>	<p>Political Trials and the Theatres of Political Justice – 2 (Sedition on Trial)</p> <p>Kaviraj, Sudipta. “Gandhi’s Trial and India’s Colonial State.” in Experiencing the State, edited by Lloyd Rudolph and John Kurt Jacobsen, 293–308. New Delhi: Oxford University Press, 2006.</p> <p>Suresh Karma, Law and Radical Rhetoric in British India: The 1897 Trial of Bal Gangadhar Tilak</p> <p>Ramachandra Krishna Prabhu, Two Memorable Trials of Mahatma Gandhi</p> <p>Extracts from , A G Noorani, Jinnah and Tilak</p>
<p>Week 5: The Waning Theatre of Colonial Justice (The INA Trial)</p>	<p>Amitav Ghosh, India’s untold war of independence, The New Yorker, Jun 23 1997</p> <p>Kirsten Sellars, Treasonable conspiracies at Paris, Moscow and Delhi: The legal hinterland of the Tokyo Tribunal</p> <p>Bhulabhai Desai, The INA defence statement</p> <p>Noorani, The Indian National Army (INA) Trial (1945)</p>

	<p>from Political Trials</p> <p>Additional Readings</p> <p>Maybritt Jill Alpes , The Congress and the INA Trials, 1945–50</p> <p>M C Setalvad, I.N.A. Red Fort trial from Bhulabhai Desai</p> <p>Kirsten Sellars, Meanings of Treason in a Colonial Context Indian Challenges in the INA trial</p> <p>Peter Ward Fay, Trial at red fort from The Forgotten army</p>
<p>Module 2: The Cultural life of legal trials in India in print and popular culture</p>	<p>Topics to be Discussed</p> <p>In the second module we will engage two major sites of public culture in India: law and cinema. As institutions that stake a claim on public imagination, both law and cinema significantly shape and alter the political and legal imagination of millions of people. It is therefore surprising given how persistently these two worlds cross reference each other that law and cinema have often been seen as distinct rather than overlapping force fields: of power and culture. A large number of people in India first encounter institutions of law and justice via cinema and films serve as a crucial archive of popular legal consciousness. However beyond their putative value, the course assumes that films are also critical legal texts in the ways that they think about questions of law and justice -both historically</p>

	<p>and conceptually. If the law has over determined film and film going (from censorship to copyright and regulation of cinema theatres), then it has also been challenged by film's diegetic sovereignty from the law. On the silver screen the ordered world of law collapses giving way to melodramatic and fantastical possibilities of justice. Courtrooms and cops, vigilante justice and revenge are themes that have been so crucial to Indian cinema that it is virtually impossible to think of narrative films without these concerns. The legal world in cinema is one where the theme of justice plays out not in public institutions of justice but in shadow courtrooms instituted on cinema screens across the country and where the accused is often neither a petty thief nor a dreaded vigilante but the legal system itself.</p>
<p>Week 6: Constituting the Nation: Cinematic Citizenship and Courtroom dramas</p>	<p>Austin, Granville. <i>The Indian Constitution: Cornerstone of a Nation</i>. 2nd ed. South Asia Books, 1999.</p> <p>Ravi Reichman, <i>The Affective Life of Law: Legal Modernism and the Literary Imagination</i>. Stanford, Calif.: Stanford University Press, 2009.</p> <p>Austin Sarat, <i>Law in Everyday Life</i>. Amherst Series in Law, Jurisprudence, and Social Thought. Ann Arbor: University of Michigan Press, 1993.</p> <p>Additional Readings</p> <p>Stanley Cavell, <i>Cities of Words: Pedagogical Letters on a Register of the Moral Life</i>. Cambridge, Mass: Belknap Press of Harvard University Press, 2004.</p> <p>Films: Awara and Kanoon</p>
<p>Week 7: Sensationalism and trials in print culture</p>	<p>In this module we will examine extracts from the writings of an intriguing lawyer and journalist K L Gauba. Gauba wrote prolifically about sensational trials and his books were sold alongside popular crime fiction. A compilation will be provided of his writings on the most significant and</p>

	<p>sensational cases in India</p> <p>Selections from K.L.Gauba's books</p>
<p>Module 3 Crime, Passion and the pathological public sphere</p>	<p>In the post mediatized landscape that we occupy the publicness of law has merged with other aspects of social life (politics, scandal, sensation) in way that potentially alters our traditional understanding of law and legal process. While the courts have always been central to the imagination of public culture in India the rise of a judicial activism immersed it into the heart of populist politics and the courts started gaining a prominence as a media actor in a way that was perhaps reserved for politicians and entertainers. The phenomenon of the Public Interest Litigation was as much as media event as a legal event mobilizing new ideas of access and participation in the legal process thereby changing the nature of social and political movements as well. The era of the PIL could be described as one in which we saw a mass legal turn in politics. The growth of satellite television ensured that the courts were now a part of the world of proliferating media and like every other phenomenon has also been the subject of leaks, sting operations and scandals. In recent times the corruption scandal over R G Anand resulted in a long Supreme Court decision on sting operations, there is an ongoing case in the Supreme court on the way that the media should cover SC cases.</p> <p>The line between the courtroom and the studio increasingly get blurred so even as the media converts legal process into a legal event, the courts are simultaneously being asked to respond to the question of new technologies of seeing, the new discourse of transparency and sovereignty. The CSDS research program takes this idea of the legal event as it starting point and will in the next few years produce work which allows us to rethink the relationship between law, publicity and public interest.</p>

<p>Week 8 : Trials and the Making of Political Communities (Hate Speech in the Rangeela Rasool affair and after)</p>	<p>Asad Ahmed, Chapter 4: SOVEREIGNTY AND SECTARIANISM from Adjudicating Muslims-law and blasphemy in colonial India</p> <p>Julia Stephens, Politics of Muslim Rage Secular Law and Religious Sentiment in Late Colonial India</p> <p>Niti Nair, Beyond the 'Communal' 1920s: The Problem of Intention, Legislative Pragmatism, and the Making of Section 295A of the Indian Penal Code</p> <p>Additional Readings</p> <p>NISHANT KUMAR, Laws and colonial subjects: the subject–citizen riddle and the making of section 295 (A) from Subjects, Citizens and Law: Colonial and Independent India</p> <p>C. S. Adcock, Violence, Passion, and the Law: A Brief History of Section 295A and Its Antecedents</p> <p>Girja Jain, Rangeela Rasul and its aftermath, in The book on trial fundamentalism and censorship in India, pp.47-60</p> <p>M F Hussain Judgment</p>
<p>Week 9: Passion Crimes and the reshaping of the Public sphere -1 (Tarakeshwar Affair and Bawla Murder)</p>	<p>Eugenia Lean, Public Passions: The Trial of Shi Jianqiao and the Rise of Popular Sympathy in Republican China, pp.1-20</p> <p>Jennifer Petersen, Media, Emotion, and the Public Sphere, from Murder, the Media, and the Politics of Public Feelings: Remembering Matthew Shepard and James Byrd Jr</p> <p>John Jervis, Introduction, Chapter 2, Sensational Subjects: The Dramatization of Experience in the Modern World</p>

	<p>Tarakeshwar Affair and Abdul Bawla Murder</p> <p>Sarkar, Tanika (2005). "Talking about scandals". Hindu wife, Hindu nation. Permanent Black. pp. 72–74.</p> <p>Chattopadhyay, Swati (2005). "Representing sexual transgression". Representing Calcutta: modernity, nationalism, and the colonial uncanny. Routledge. pp. 225–237</p> <p>Angma Dey Jhala, The Malabar Hill murder trial of 1925: Sovereignty, law and sexual politics in colonial princely India</p> <p>Troubles In Indore, The Maharaja’s Women: Loving Dangerously From Courtly Indian Women In Late Imperial India</p> <p>Extracts from Times of India Archives on the Bawla Murder Trial</p>
<p>Week 10: Passion Crimes and the reshaping of the Public sphere -2 (From Nanavati to Aarushi)</p>	<p>Gyan Prakash, The tabloid and the nation, from Mumbai fables</p> <p>New Yorker Article on Nanavati</p> <p>Aarti Sethi, “The Honourable Murder: The Trial of Kawas Maneckshaw Nanavati,” in Sarai Reader 05: Bare Acts,</p> <p>Sabeena Gadihoke, Sensational Love Scandals and their After-lives: The Epic Tale of Nanavati, BioScope 2(2) 103–128</p> <p>Kalyani Ramnath, The Colonial Difference between Law and Fact: Notes on the Criminal Jury in India, The Indian Economic and Social History Review, 50, 3 (2013): 341–363</p> <p>Additional Readings</p> <p>Indra Sinha, The Death of Mr. Love (London) Extracts from Salman Rushdie, Midnight’s children</p>

	Murali Menon, Love/Death and Scandal in Bombay, Laura-Eve Moss, "He Has Ravished my Poor, Simple, Innocent Wife!": Exploring the Meaning of Honor in the Murder Trials of George W. Cole, from Murder on Trial: 1620-2002
Week 11: Passion Crimes and the reshaping of the Public sphere -2 (Media, Affect and Murder in Legal Imagination)	Meena Baghel, Death in Mumbai Avirook Sen, Aarushi Trial by Error: The Aarushi Files, http://www.arre.co.in/series/aarushi/
Week 12: Certainty, Identity and Trials as History	Bhawal Sanyasi Partha Chatterjee, The Princely Impostor Natalie Zemon Davis, The Return of Martin Guerre Lal Bihari case http://indiatoday.intoday.in/story/land-mafia-victims-the-poor-and-living-dead-land-owners-of-eastern-uttar-pradesh/1/253549.html http://www.openthemagazine.com/article/nation/the-living-dead http://www.indiatvnews.com/news/india/living-dead-man-sues-up-gvt-for-rs-25-cr-54753.html http://www.dailymail.co.uk/indiahome/indianews/article-2169322/Dead-men-walking-Hundreds-UP-alive-declared-deceased-government-records.html

1. Assessment Methodology:

A combination of mid term examination, books reviews, response essays, presentations, final exam

Rough break up:

Short Response Essays: 20%
End Term Exam: 20 %
Class Presentations: 20%
Book Review: 10%
Written Project: 30%

2. No. of students to be admitted: 20

3. Special needs in terms of special expertise of faculty, facilities, requirements in terms of studio, lab, clinic, library, classroom and others instructional space, linkages with external agencies (e.g., with field-based organizations, hospital) etc.:

Signature of Course Coordinator(s)

Note:

1. Modifications on the basis of deliberations in the Board of Studies may be incorporated and the revised proposal should be submitted to the Academic Council.
2. Courses which are meant to be part of more than one programme, and are to be shared across schools, may need to be taken through the Boards of Studies of the respective schools.
3. In certain special cases, where a course does not belong to any particular school, the proposal may be submitted directly to the Academic Council.

Recommendation of the School of Studies:

The proposal was discussed by the Board of Studies in itsmeeting held on.....and has been approved in the present form.

Signature of the Dean of the School