

## **Spectacular Justice: Aesthetics and Power in the Gandhi Murder Trial**

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On 30 January 1948, as Mohandas Karamchand Gandhi walked towards his daily public prayer meeting in New Delhi a man suddenly blocked his path. Facing Gandhi, Nathuram Vinayak Godse bowed with folded hands, said ‘Namaste, Bapu [Greetings, Father]’, and then fired three shots at point blank range.

The conspiracy to kill Gandhi had begun to take shape in December 1947. At its core were Nathuram Godse and Narayan Dattatreya Apte. These two, close friends and colleagues, had started a newspaper titled *Agrani* to further the cause of two right-wing Hindu organisations – the Hindu Mahababha and the Hindu Rashtra Dal, of which they were members. The men firmly believed in a united India and were vociferously against the partition of the country, the blame for which they attributed to the Indian state in general and to Gandhi in particular. What began as a series of half-baked conspiracies ranging from destroying the Indian Parliament, to firing mortars at Pakistani Cabinet meetings, to attacking Gandhi, Jawaharlal Nehru, and H.S. Suhrawardy<sup>1</sup>, finally concretised into the plan to assassinate Gandhi.

Godse was caught on the spot, and nine of the other twelve accused were rounded up within the next month. The last three accused were never apprehended, and one of the accused turned King’s evidence. The trial *R v Nathuram V. Godse and the other accused* became the first spectacular trial to be held in independent India and unfolded at the suitably grand location of the Red Fort in Delhi. In the words of Tapan Ghosh, in 1948 this trial was ‘the

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<sup>1</sup> A popular Muslim political leader from Bengal, and later the fifth Prime Minister of Pakistan.

longest and costliest murder trial this ancient subcontinent ha[d] ever known, the trial for the murder of its First Citizen was itself a historical event.’<sup>2</sup>

The trial began on 27 May 1948; it was a Special Court held under the aegis of a single judge, Judge Atmacharan. The case was made against the twelve accused under eleven different categories of charges of the Indian Penal Code and the Indian Arms Act 1878. After almost ten months – during which 149 Prosecution witnesses testified, and reams of evidence were collected – the judge delivered his sentence on 10 February 1949. Godse and Apte were sentenced to death. V.D. Savarkar, Accused No. 7, a prominent Hindu nationalist leader, was acquitted and the rest of the conspirators got life imprisonment.

Under the rules of the Special Court, the accused had the right to appeal to the High Court within three weeks. The appeal was heard at the Punjab High Court held in Shimla. If the first trial was held at a national monument in Delhi, for the second, an iconographic building in Shimla was pressed into action. The appeal court was held at Peterhoff, the Viceregal Residence in Shimla, and was presided over by three judges, Justices Achchruram, A.N. Bhandari, and G.D. Khosla. This trial largely upheld the verdict of the Special Court, but they acquitted two of the defendants, Shankar Kistayya and Dr D.S. Parchure.

Before beginning an analysis of the trial, it is important to briefly explore the categories of the political trial and the spectacular trial. This paper is premised on the belief that the oft posited binary between law and politics reduces the term ‘political trial’ to a pejorative marker of the trial; and thus acts an obstacle against using the term as an analytical tool that helps us to understand the intersection between law and politics. The Gandhi Murder Trial can only be understood if we keep in mind the politics of the time. As Judith Shklar asserts,

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<sup>2</sup> Tapan Ghosh, *The Gandhi Murder Trial* (Bombay: Asia Publishing House, 1974), vii.

‘A trial, the supreme legalistic act, like all political acts, does not take place in a vacuum. It is part of a whole complex of other institutions, habits, and beliefs.’<sup>3</sup>

In an attempt to reclaim the term, I define political trials as trials that are orchestrated by the state against those who not only challenge a particular law of the state, but rather seek to undermine its very existence. In his seminal work on political trials, Otto Kirchheimer identified three different types of political trials, and we find that the Gandhi Murder Trial fits firmly in the first category. This category focuses on the type of political trials that result from a common crime committed for political purposes. At first glance this looks like a trial whose political nature is determined by the defendant and not the prosecution; however Kirchheimer qualifies this definition by including that such trials ‘are conducted with a view to the political benefits which might ultimately accrue from successful prosecution.’<sup>4</sup> Such trials are usually given their political overtones by the state which seeks to use trials of corruption, murder or other criminal offenses for the purposes of mud raking and discrediting its political foes. Often in these cases the state resorts to the use of conspiracy theories, where the crime committed is sought to be linked to a larger conspiracy that is portrayed as a threat to the state.

An important dimension of every political trial is its spectacular nature, how it impresses upon the audience the authority of the state, even at the moment when this authority is at its lowest. Mark Findlay argues that political trials are an example of the ‘use of legal institutions to bolster state authority, where that very authority which normally legitimises

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<sup>3</sup> Judith Shklar, *Legalism: Law, Morals and Political Trials* (Cambridge: Harvard University Press, 1986), 144.

<sup>4</sup> Otto Kirchheimer, *Political Justice: The use of Legal Procedure for Political Ends* (Princeton: Princeton University Press, 1961), 46.

such legal institutions is itself widely condemned.’<sup>5</sup> The authority of these legal institutions is bolstered through trials that take the form of spectacular events – they are always created with the spectator in mind. Thus, I will employ the category of the spectacular trial to analyse the Gandhi Murder Trial.

This article will focus on the spectacular dimension of the political trial, and seeks to examine the visual tropes of power utilised during such trials. I begin by discussing the importance of spectacular events and images to law, arguing that they do not obscure law, rather they are an integral component of establishing law. I then seek to analyse the aesthetics of the building used to hold the trials and the way rituals were employed to visualise authority within the courtroom during the Gandhi Murder Trial.

Lastly, I argue that while the trial spectacle may be orchestrated by the state it always has some room for subversion. Political defendants are aware of the publicity that the spectacular trial may provide for them and their cause, and thus actively seek to use the trial process to undermine the legitimacy that the state seeks to create for itself. In the Gandhi Murder Trial we discuss how Godse and Savarkar attempted to subvert the spectacular trial.

### **Importance of the visual within the trial**

Law has always enjoyed a peculiar relation with the ornamental and with spectacular images. During the colonial period, proponents of a codified positive law in India, such as T.B. Macaulay and William Bentinck, sought to replace the ‘corrupt and barbaric native system’

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<sup>5</sup> Mark Findlay, “Show Trials in China: After Tiananmen Square,” *Journal of Law and Society* 16 (1989): 353.

with the Western style rule of law, ‘which would be efficient rather than ornamental.’<sup>6</sup> Here, we find an attempt to posit law in opposition to the ornamental; the latter is believed to distract the subject from law and hence reduce law’s power and efficiency. In contrast to this, I argue that the spectacular is an inextricable part of the law – it is evident in the everyday process of law and is especially magnified in spectacular trials.

As Peter Goodrich asserts, the ceremonial is not merely ornamental or hedonistic; ceremonies of law do not merely accentuate law, they create and help to establish it. The ceremonial gives ‘credence to law, and effect to rule,’<sup>7</sup> it marks out a prior space of social approbation within which law can be displayed and enacted. The spectacular trial, then, becomes a tool that is established by law and yet in turn establishes law itself.

While discussing the Gandhi Murder Trial as a spectacular trial, three dimensions of the word spectacle are of importance for us: It is a specially prepared or arranged public display; it presents something of a striking or unusual character; and acts as an illustrative instance or example. Therefore, the visualness of an event is key to designating it a spectacle. What then is the relationship between the spectacle and the images it employs?

Lawrence Bryant asserts that,

As [a] historical object, a spectacle must be twice constructed: first as a series of performances, and then as a historical event. We cannot disassociate the performances

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<sup>6</sup> David Cannadine, *Ornamentalism: How the British saw their Empire* (London: Penguin Books, 2002), 22.

<sup>7</sup> Peter Goodrich, “A Theory of the Nomogram,” in *Law, Text, Terror: Essays for Pierre Legendre*, ed. Peter Goodrich, Lior Barshack and Anton Schütz (London: Glass House Press, 2006), 17-18.

from the “historical event” of which they are a component part; spectacles cannot be taken as transparent and unproblematic descriptions of historical events.<sup>8</sup>

This becomes crucial to the understanding of the political trial as spectacle. The images deployed by law, the location of the court and all that occurs within the courtroom is part of the performance of the spectacle; this performance cannot be separated from the larger trial event. The decision to try the defendants, the charges laid against them, the judgment made, and how all of these are affected by and, in turn, affect the outside world are part of the ‘historical event’ of the trial. These two aspects come together to form the spectacle that seeks to influence the minds of the public.

The spectacle is designed to imprint an event on public memory, to assert legitimacy and therefore reinforce authority, and most importantly function as a propaganda exercise; while the form of the spectacle may have changed with the modern state, the essence of the spectacle has not. However, the relation between spectacle, state, and power is not fixed or constant; at different times states can make use of the spectacle for various purposes. The role of the spectacle can range from magnifying the appearance of power – and thus increasing it – to merely reaffirming the presence of a particular form of power in society.

Thus, we see that law enjoys a close relation with spectacular events and images. They help law to establish itself and to create ‘historic events’. Importantly, such images do not simply display the power that the state has; they also help to actuate it. In the case of the Gandhi

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<sup>8</sup> Lawrence Bryant, “Configurations of the Community in Late Medieval Spectacles: Paris and London during the Dual Monarchy,” in *City and Spectacle in Medieval Europe*, ed. Barbara Hanawalt and Kathryn Reyerson (Minneapolis and London: University of Minnesota Press, 1994), 8.

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Murder Trial, the creation of the spectacle is based upon earlier image creating exercises of the State by the use of the Red Fort.

### **The use of the Red Fort**

As the political trial attempts to impress upon its audience the power and legitimacy of the state, it utilises various symbols of power available to it. Large imposing spaces or monuments, such as grand palaces, court buildings, and public squares are often utilised for such displays because they speak to ‘law’s architectural ambitions.’<sup>9</sup> The use of such impressive edifices marks out a ceremonial space for the trial, the grand display awes the subject with the power that the state has at its disposal, and may also provide the state with a link to the previous historical event that had taken place at the location.

Holding the Gandhi Murder Trial at the historic Red Fort allowed the Indian State to establish two important ideological constructs: Firstly, it sought to stress the continuity between the various states that had ruled over India in the recent past – the Mughal Empire and the British Raj – by using the same architectural symbol of power that had been used by these states. In doing so, the newly independent Indian State also sought to underscore the legitimacy of its succession. Secondly, the use of the Red Fort helped to highlight the secular credentials of the State, as it sought to posit Gandhi’s assassin as a communalist. The Palace built by a Muslim King, and later utilised by the Christian ruling class, stood as a symbol of syncretic India, devoid of any religious overtones.

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<sup>9</sup> Linda Mulcahy, *Legal Architecture: Justice, due process and the place of law* (Abingdon: Routledge, 2011), 5.

### ***Guaranteeing the continuity of the state***

The Red Fort has witnessed three of the most spectacular trials in India. The first trial held at the Red Fort was staged by the colonial state in India in 1858. The Qila-i-Mubarak (The Blessed Fort) was built by Shah Jahan (also known for the Taj Mahal) in 1648, its red sandstone walls lending themselves to its name as the Lal Qila or the Red Fort. The Fort served as the Mughal Palace till the last Mughal King, Bahadur Shah Zafar, was captured in Delhi during the first large scale armed revolt against the British Forces, i.e. the Indian Mutiny of 1857. Despite the presence of British courthouses in Delhi and the presence of large government houses in Calcutta (now Kolkata) and Madras (now Chennai) – both towns unaffected by the Mutiny – the British state chose to hold the trial of the last Mughal King in his own palace situated in rebellion ravaged Delhi.

Pramod Nayar refers to this trial as ‘a carefully plotted spatial “event,”’ where there was a re-appropriation and transformation of space itself.<sup>10</sup> One such attempted transformation was the bid to uncouple the image of the Fort from the idea of the Mughal Empire, and instead make it serve as an image of the Indian state. This uncoupling was in keeping with the wider British policy of portraying themselves as natural successors to the Mughals.<sup>11</sup> The Red Fort provided the colonial empire with a link to the Indian past and a tool to legitimise their presence in the subcontinent. In addition to this, the trial was able to portray the dominance of the new Empire. Clifford Geertz argues that rulers take possession of their realms through ceremonial forms, ‘In particular, royal progresses locate the society’s centre and affirm its

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<sup>10</sup> Pramod Nayar, introduction to *The Trial of Bahadur Shah Zafar*, ed. Pramod Nayar (Hyderabad: Orient Longman, 2007) xxi, xxxiv.

<sup>11</sup> Thomas Metcalf, *An Imperial Vision: Indian Architecture and Britain’s Raj* (Berkeley and London: University of California Press, 1992), 56.

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connection with transcendent things by stamping a territory with ritual signs of dominance.’<sup>12</sup>

This is precisely what the British sought to achieve by trying the King in his own Palace: they established in the eyes of the Indian population that they now ruled the country and made its laws. After the trial of Bahadur Shah Zafar, the British Forces systemically reduced the power of the Fort until it remained a shadow of its former self; the Fort itself had been designated the Military Police Headquarters.

The British faced the second significant armed threat against their authority in India from the Indian National Army (INA). This Army mostly consisted of the Indian soldiers taken hostage by the Axis powers in Malaya during the Second World War. Helped by the Japanese, the INA fought against the British Army on the eastern frontiers of India in 1944-45, but eventually lost and most of its members were captured. The Red Fort featured heavily in the INA imagination; their slogan was ‘On to Delhi’, and their monthly propaganda magazine published under the same name carried above the masthead the picture of the Indian flag in the foreground and the Red Fort in the background. The aim of the INA was to capture the Red Fort and rid it of the British Forces. On 5 July 1943, the leader of the INA Subhas Chandra Bose announced in Singapore, ‘[O]ur task will not end until our surviving heroes hold the victory parade on another graveyard of the British Empire—the Lal Qila, or “Red Fortress,” of ancient Delhi.’<sup>13</sup>

The only reason why the senior INA leaders were able to reach the Red Fort was because, in their desire to mock the INA for its ambitions towards the Fort, the British decided to try the

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<sup>12</sup> Clifford Geertz, “Centers, Kings, and Charisma: Reflections on the Symbolics of Power,” in *Rites of Power: Symbolism, Ritual, and Politics Since the Middle Ages*, ed. Sean Wilentz (Philadelphia: University of Philadelphia Press, 1985), 16.

<sup>13</sup> Quoted by Sugata Bose, *His Majesty’s Opponent: Subhas Chandra Bose and India’s Struggle Against Empire* (Cambridge and London: Harvard University Press, 2011), 4.

INA leaders on its premises. Jawaharlal Nehru, who was later to become the first Prime Minister of India, was a part of the Defence Counsel during the INA trial. He wrote:

Every stone in that historic setting tells a story and revives a memory of long ago. Ghosts of the past, ghosts of the Moghuls [sic], of Shah Jahan, of Bahadur Shah, proud cavaliers pass by on prancing horses, processions wend their way. You hear the tramp of armed men, and the tinkling of silver bells on women's feet...There was a hum of life and activity, for this was the hub of a vast and rich empire.<sup>14</sup>

As is evident by this statement, the participants at the INA trial, who soon became leaders of independent India, were clearly aware of the previous trial held at the same arena. Once again, we find a stress on the continuity of the state through the trope of the Red Fort.

This symbolism of the Red Fort was carried forward, and even strengthened, in independent India. On the day after Independence, and on every Independence Day since then, the Prime Minister of India has addressed the nation from the ramparts of the Fort. As Bernard Cohn notes:

The end of the empire was marked where it might be said to have begun, in 1857, with the desacrilization [sic] of the Mughal's palace, with English officers drinking wine and eating pork. The moment of transfer of authority from the viceroy to the new prime minister of an independent India was marked at the Red Fort by the lowering of the Union Jack at midnight, 14 August 1947, before a huge crowd of jubilant Indians.<sup>15</sup>

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<sup>14</sup> Jawaharlal Nehru, foreword to *Two Historic Trials in Red Fort*, ed. Moti Ram (New Delhi: Moti Ram, 1946), iii-iv.

<sup>15</sup> Bernard Cohn, "Representing Authority in Victorian India," in *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge University Press, 2003), 209.

By the mid-twentieth century, the Red Fort had been accepted as a symbol not only of Delhi, but of India at large. The new Prime Minister, Nehru, was very aware of the power that the Red Fort had as an icon for all Indians, and he sought to transform the Red Fort from a national icon to an icon of a particular brand of civic nationalism. In a circular to all Governors in March 1948, Nehru urged them to direct all cinema houses to put up a picture of the Indian Flag at the end of the performance rather than to play what they considered the national anthem.<sup>16</sup> However, not just any picture of the Indian flag could be used; Nehru had specifically arranged to supply them with a ‘good picture of the National Flag on the Red Fort in Delhi.’<sup>17</sup> According to Partha Chatterjee, this particular image elevates the Red Fort to abstract ideality by keeping the illustration clear of any elements except the bare façade of the Fort and the national flag flying from an impossibly high flagstaff, thereby producing a ‘sacred iconicity of the monument.’<sup>18</sup>

The iconicity of the Red Fort was such that there was a belief that to raise your flag over the Red Fort was to raise your flag over all of India. In fact the Hindu nationalist organisations frequently accused supporters of Pakistan of attempting to capture the Red Fort and thus proclaim their domination over India. Press reports of the time claimed that the Rashtriya Swayamsevak Sangh (RSS) was able to prevent the Muslim Leaguers’ intended coup to kill government officials and thousands of Hindus and ‘plant the flag of Pakistan on the Red Fort and then seize all Hind.’<sup>19</sup> Though Nehru rubbished these claims, the incident proves the

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<sup>16</sup> The Jana Gana Mana was adopted as the provisional national anthem only in August 1948, and was declared the National Anthem of India in January 1950.

<sup>17</sup> Circular to all Governors, 7 March 1948, *Selected Works of Jawaharlal Nehru* (hereafter *SWJN*), 2<sup>nd</sup> Series, Vol. 5 (New Delhi: Jawaharlal Nehru Memorial Fund, 1984), 456.

<sup>18</sup> Partha Chatterjee, “The Sacred Circulation of National Images,” in ed. Maria Pelizzari, *Traces of India: Photography, Architecture, and the Politics of Representation, 1850-1900* (Montreal: Canadian Centre for Architecture, 2003), 287.

<sup>19</sup> Quoted in Nehru’s letter to Bhagavan Das, 10 November 1948, *SWJN*, 2<sup>nd</sup> Series, Vol. 8, 121.

iconic reverence that the Red Fort demanded not just in Delhi, but all over India. In the national imagination, to control the Fort and to have your flag fly atop its ramparts was a symbol of control over the entire nation.

During the Gandhi Murder Trial the courtroom was a 100' x 23' room, situated on the first floor of a newly constructed building within the Fort. The building, erected as a military barrack by the British, reflected the symbolic nature of the laws; an inherently British structure contained within an outwardly Indian façade. The timing of the Gandhi Murder Trial placed it firmly at the juncture of colonial and post-colonial law. The trial was held by the Indian State, yet it was held in the name of the King of England, 'the Rex' who finds mention in the very title of the case itself. Thus the case remained an ostensibly Indian case, and yet at its core were British laws and the King of England.

Unlike the first two trials where the Red Fort was in fact in some way linked to the history of the case, in the Gandhi Murder Trial the Palace held no apparent symbolism for the case itself. Indeed, the symbolism of the Fort was established by the actions of the State. Here, the Fort stood as a symbol of the Indian state, and was used to highlight the legitimacy of the new State's succession to power, and to underscore its authority during its first period of crisis.

Not just the Indian government, the Indian media too was very aware of the symbolism of the building and highlighted it in its coverage of the trial. For instance *The Tribune* wrote: 'Fate had destined Delhi's historic Red Fort to be the venue of a trial of Indians charged with the assassination or conspiracy to assassinate the Father of the Nation soon after India attained independence.'<sup>20</sup> In fact, we find that the Red Fort became inseparable from the identity of

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<sup>20</sup> "Gandhi Murder Trial opens in Red Fort," *The Tribune*, May 28, 1948.

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the trial itself. In daily news reports the trial was alternately referred to as the Gandhi Murder Trial or the Red Fort Trial and headlines such as these were common: ‘Examination of Shankar in Red Fort Trial,’<sup>21</sup> ‘Arguments in Red Fort Trial Begin.’<sup>22</sup> By stressing on the importance of the Red Fort, these headlines reveal the prevailing view of the time; that this assassination was not simply an attack on a citizen of the state, rather it was an attack on the State itself.

### *The question of secularism*

Gandhi had been assassinated by men who had all met each other through various Hindu nationalist organisations. During the trial, they always maintained that they were secular individuals who believed that each Indian should have equal rights, with no concessions for caste or religion. On the other hand, the Indian state accused them of being Hindu nationalists, who sought to establish a Hindu majoritarian state in the garb of democracy. In the wake of the partition of the country, and the subsequent communal riots, the Indian State sought to establish itself as a secular entity and not a Hindu state. This need to be perceived as a secular state was especially important in keeping with the Indian National Congress’s (INC) belief that a secular state could exist in the sub-continent and that there was no need to divide the country on a religious basis, or create Pakistan. According to Ramachandra Guha, the new Indian State viewed its commitment to secularism as an ‘affirmation of it being, if it was anything at all, the Other of a theologically dogmatic and insular Pakistan.’<sup>23</sup>

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<sup>21</sup> *The Hindustan Times*, November 19, 1948.

<sup>22</sup> *The Hindustan Times*, December 02, 1948.

<sup>23</sup> Ramachandra Guha, *India after Gandhi: The History of the World’s largest Democracy* (London: Picador, 2008), 80.

In the aftermath of the assassination, Hindu communal organisations came under great political pressure from the State. The Hindu Mahasabha succumbed to the pressure and defined itself as a cultural organisation. The RSS was banned for more than a year, until it too submitted to the demands of the State. This conflict between the State and the Hindu communal organisations came to a head and was explicitly articulated during the Gandhi Murder Trial.

Jawaharlal Nehru sought to portray Hindu nationalism as an ideology equally dangerous to the country as Muslim nationalism. He blamed communalism for the creation of Pakistan and the murder of Gandhi, and moved to discredit communalism within India. A few months after the murder of Gandhi he opined: ‘Communalism resulted not only in the division of the country, which inflicted a deep wound in the heart of the people which will take a long time to heal if it ever heals but also the assassination of the Father of the Nation, Mahatma Gandhi.’<sup>24</sup>

As the Indian state sought to establish its secular credentials, it took recourse to the iconic symbol of the Red Fort. Monuments play a key role in the creation of national history; they come to symbolise different rulers, empires, and even civilisations. Maria Pelizzari argues that historic buildings play an important role ‘in the imaginative process of nation formation,’ and in fact monuments may be ‘reappropriated in the post colonial period to function as symbols of a new national identity.’<sup>25</sup> The secular state in India could not take recourse to religious symbols, and yet had to create a sacred iconography that represented the ‘transcendental efficacy’ of the state. Pelizzari applies Kajri Jain’s work on the circulation of

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<sup>24</sup> Speech made by Nehru in Coimbatore, 3 June 1948, quoted in Sucheta Mahajan, *Independence and Partition: The Erosion of Colonial Power in India* (New Delhi: Sage Publication, 2000), 316.

<sup>25</sup> Maria Pelizzari, “From Stone to Paper: Photographs of Architecture and Traces of History,” in *Traces of India: Photography, Architecture, and the Politics of Representation, 1850-1900*, ed. Maria Pelizzari (Montreal: Canadian Centre for Architecture, 2003), 24.

images that reified the state in calendar and bazaar art. Thus, she argues, ‘[T]he secular state in postcolonial India has constituted itself on the basis of a nationalist imaginary wherein power, including state power, partakes of a certain notion of sacred or transcendental efficacy.’<sup>26</sup>

Unlike religions and religious symbols which could easily denote both a past and a desired future, the ‘secular state’ was less rooted – it needed icons that could link it to the past and thus help create a transcendental efficacy. The Red Fort in Delhi – steeped in national history and yet devoid of explicit religious connotations – became the chosen monument to represent allegiance to a particular brand of Indian nationalism. ‘Here the Mughal fort is just an attribute of this secular “god” – no longer a temporal indication of battles and colonial durbars but rather a sacred appendix for a national tale.’<sup>27</sup> This carefully cultivated icon of secularism was chosen by the Indian state to establish its secular credentials and to nip in the bud the communal ideology of the Hindu nationalists, including those who had murdered the ‘father of the nation’.

Thus, we see that the Red Fort was deliberately chosen as the sight of the Gandhi Murder Trial because of the various symbolisms attached to it. All these different exemplifications of the Fort – as an emblem of state power and continuity, and an icon of secular nationalism – were very carefully utilised by the Indian state during the Gandhi murder trial.

### **Inside the Courtroom: Setting the Stage**

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<sup>26</sup> Kajri Jain quoted by Pelizzari, “From Stone to Paper,” 55-56.

<sup>27</sup> Pelizzari, “From Stone to Paper,” 56.

Having analysed the building in which the courtroom was located, we move within the courtroom itself. I argue that the courtroom acts as a theatre, where in order to ensure an orderly display, the courtroom may privilege the eye of the spectator over most other considerations, including the witnesses' or defendants' ability to participate in the trial. I then analyse the architecture of the courtroom, and the rituals employed within, to argue that each element of the trial process seeks to highlight the power of the judge and through her the power of the state.

### *Privileging the ocular*

In *To Kill a Mockingbird* Harper Lee describes the first day of Tom Robinson's trial as a 'gala occasion', where the court-house square was filled with picnicking families, and a 'holiday mood' seemed to prevail.<sup>28</sup> This fictional account reflects the reality of the trial procedure, and as Sadakat Kadri explains, from the eighteenth century onwards courts were becoming more packed than ever, because 'trials simply offered a lot to see.'<sup>29</sup> The Gandhi Murder Trial was no exception; often the courtroom would be packed, and drinking water servers, with earthen pots balanced on their heads, and metal glasses in their hands, constantly moved around the courtroom serving the thirsty.<sup>30</sup> Perhaps nothing captures the idea of the courtroom as a theatre more than the fact that on the day that Godse started giving his testimony at the High Court in Shimla, 'house full'<sup>31</sup> signs were placed outside, so that other visitors would not enter the premises.

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<sup>28</sup> Harper Lee, *To Kill a Mockingbird* (London: Penguin Books, 1970), 163-64.

<sup>29</sup> Sadakat Kadri, *The Trial: A History from Socrates to O.J. Simpson* (London: Harper Perennial, 2006), 95.

<sup>30</sup> Tushar Gandhi, *'Let's Kill Gandhi!': A Chronicle of his Last Days, the Conspiracy, Murder, Investigation and Trial* (New Delhi: Rupa & Co., 2007), 538.

<sup>31</sup> P.L. Inamdar, *The Story of the Red Fort Trial 1948-49* (Bombay: Popular Prakashan, 1979), 170.

Any courtroom has two publics; the first is constituted by those who are physically present at the trial, and the second is the world outside. The visibility of justice is always aimed at these audiences rather than the defendants, and can sometimes even be at the cost of the defendant. As Otto Kirchheimer noted: '[C]arefully chosen segments of deviant political activity are submitted to court scrutiny, less for direct repressive effect than for dramatizing the struggle with the foe and rallying public support.'<sup>32</sup> During the Gandhi Murder Trial too, every attempt was made to expose the defendants to the eyes of the public, despite the fact that it may have jeopardised the trial process by compromising the identification procedures. The opening day proceedings of the Gandhi Murder Trial had been filmed and photographed not only by independent media organisations, but also the Films Division crew of All India Radio.<sup>33</sup> These images were then flashed across newspapers and were made part of the newsreels supplied by the Government to cinema houses. Many of the accused questioned the decision to photograph and film them, and believed that it was detrimental to their case. For instance, in his Written Statement, Gopal Godse, Accused No. 6 and Nathuram's younger brother, complained that the publicity provided to these images had 'greatly prejudiced the case of the accused...on the point of identification.'<sup>34</sup> The accused and their counsel insisted that the prosecution witnesses had been able to identify them in the courtroom, not because they were eyewitnesses to the various actions of the accused, but because they had been shown the defendants' photographs and had been coached by the Prosecution. This had led P.L. Inamdar, one of the defence lawyers, to conclude his cross examination rather

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<sup>32</sup> Kirchheimer, *Political Justice*, 17.

<sup>33</sup> Inamdar, *The Story of the Red Fort Trial 1948-49*, 23.

<sup>34</sup> National Archives of India: Private Papers; 27, Mahatma Gandhi Papers (1880- 1948); 12.D, Gandhi Murder Trial Papers; File 26, Printed Records of Mahatma Gandhi Murder Case, Vol. II; Written Statement of Gopal Godse, Accused No. 6, Para 30.

sarcastically, ‘Maybe this special trial will be remembered for the incredible capacity for identification that hotel staff and railway staff possess!’<sup>35</sup>

This privileging of the eye of the audience is carried forward into other aspects of the trial as well. The axiom that justice needs to be seen to be done is taken quite literally within the courtroom setting. The visual spectacle takes precedence over other aspects including the audibility of the procedures. The public may not be able to hear what is happening, but they must be able to see it. On the first day of the Red Fort trial, the loud speaker installed in the courtroom was not functioning properly, as a result of which the visitors and the reporters were ‘reduced to mere spectators; no one could hear what was being said either by the judge or by the lawyers.’<sup>36</sup> Inamdar constantly complained about Judge Atmacharan’s habit of always pushing aside his microphone, and thus, being inaudible in the courtroom: ‘Atma Charan’s [sic] avoidance of the microphone often annoyed us. We could not hear what he dictated to the typist.’<sup>37</sup> The more sinister implication of this was that by choosing not to use the microphone, the Judge ensured his total control over the trial record. Which in turn gave the State even more control over this spectacular trial.

### ***Power within the courtroom***

The courtroom is supposed to be an essentially public space. Its accessibility plays a large role in determining its legitimacy. However, the seemingly ‘public’ space of the courtroom is divided into a series of impenetrable private spheres; each actor has her place and is not allowed to enter the space of the other. The settings articulate the social and legal relations of each of the actors. Linda Mulcahy argues that the many divisions in the courtroom reveal ‘an

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<sup>35</sup> Inamdar, *The Story of the Red Fort Trial 1948-49*, 71.

<sup>36</sup> Gandhi, ‘*Let’s Kill Gandhi!*’, 538.

<sup>37</sup> Inamdar, *The Story of the Red Fort Trial 1948-49*, 159.

ongoing fear of the public as volatile and a need to stage manage the spectacle of the trial in a way which contains emotion, noise and movement.’<sup>38</sup> All of this is done with the view to maximise the power of the state within the courtroom.

The inside of the courtroom is as demonstrative of the power that it contains as the outside façade of the court structure. The idea that ‘justice needs to be seen to be done’ takes on a new dimension within the courtroom. According to Peter Goodrich, this axiom ‘captures the paramount symbolic presence of law as a façade, a drama played out before the eyes of those subject to it.’<sup>39</sup> The drama of the courtroom is not a mere by-product of the legal process; rather it is integral to the belief that justice has been served. The conceptualisation of the courtroom or the trial setting as a depoliticised and neutral space not only limits our understanding of how law operates, it also acts as an obstacle to the proper understanding of the legal process. As Mulcahy explains, ‘The shape of the courtroom, the configuration of walls and barriers, the heights 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.’<sup>40</sup> For instance, the position of each chair, the height of the floor, the placement of barriers, each and every element can be used as a physical manifestation of hierarchy and power.

In the courtroom of the Gandhi Murder Trial, Judge Atmacharan was seated on a platform, on one side was a witness box and opposite it was the dock within which the accused sat. On the side of the witness box sat the lawyers for the Prosecution, while the Defence counsel sat

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<sup>38</sup> Mulcahy, *Legal Architecture*, 56.

<sup>39</sup> Peter Goodrich, *Languages of Law: From Logics of Memory to Nomadic Masks* (London: Weidenfeld and Nicolson, 1990), 188.

<sup>40</sup> Linda Mulcahy, “Architects of Justice: the Politics of Courtroom Design,” *Social and Legal Studies* 16 (2007): 384.

next to the accused.<sup>41</sup> The courtroom was neatly divided with the help of partitions into spaces that had to be occupied by particular actors. The accused were to sit in the docks, surrounded by bars – a very explicit representation of the bars of prison. This ‘incarceration’ within the courtroom also acts as a visual marker of the danger that the defendants present to others in the courtroom, and undermine the accused’s ability to engage in the trial process.<sup>42</sup>

The Judge occupied an elevated space, from where he faced the rest of the room. Hannah Arendt’s description of the judges’ position within the courtroom during the Eichmann Trial in Israel finds an apt example in the Gandhi Murder Trial, as indeed it would for most criminal trials; ‘[N]o matter how consistently the judges shunned the limelight, there they were, seated at the top of the raised platform, facing the audience as from the stage in a play.’

<sup>43</sup> In the Gandhi Murder Trial, the judge was the only person who had an uninterrupted view of all the participants including the public; this ability to survey all people at all times embodied in many ways Foucault’s idea of the panoptic. The architecture of the courtroom enables the segregation and surveillance of the actors in such a way that ‘the exercise of power is not added from the outside but is subtly present in ways which increase its efficiency’.<sup>44</sup>

Not only do the different actors access different and discrete spaces within the courtroom, they also use different entrances into the arena. As Mulcahy writes, ‘By controlling movements the judiciary and court staff can contain exchanges, restrict the potential for spontaneous outbursts or meetings and increase the dramatic impact of arrival within the courtroom.’<sup>45</sup> The courtroom provides the stage upon which the theatre of the trial unfolds.

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<sup>41</sup> Jagdishchandra Jain, *I could not Save Bapu* (Benares: Jagran Sahitya Mandir, 1949), 61.

<sup>42</sup> Mulcahy, *Legal Architecture*, 10.

<sup>43</sup> Hannah Arendt, *Eichmann in Jerusalem: A report on the Banality of Evil* (London: Penguin Books, 2006), 6.

<sup>44</sup> Mulcahy, “Architects of Justice,” 399.

<sup>45</sup> Mulcahy, “Architects of Justice,” 389.

The separate entrances ensure that the tension within the participants can only be vented within the courtroom, thus adding a greater element of drama to each of their meetings.

There are separate and cued entrances, and on the trial stage each actor has a predetermined spot and all actions are choreographed. As Arendt notes: ‘The proceedings happen on a stage before an audience, with the usher’s marvellous shout at the beginning of each session producing the effect of the rising curtain.’<sup>46</sup> However, it is not just the physical appearance of the courtroom that lends itself to theatricality, rather this theatricality is built into the process of the trial itself. There is a ‘performativity of the courtroom’<sup>47</sup>, a structural imperative that at each moment reminds the speakers – the judge, the defendant, lawyers and witnesses – that they are in fact talking in front of an audience.

As we saw in the section above, law seeks to underscore its magnificence by employing grandiose buildings. But what happens if the building itself lacks the necessary stature? In those cases we see that law relies on its other important visual component, i.e. the courtroom ritual. The pomp and power of the court is highlighted by the rituals employed within the courtroom. The court organises its operations in a highly spectacular and visual manner. Costas Douzinas argues that the ‘power of spiritual, edifying icons’ is present in each courtroom. It is manifested in the robes, the wigs, the staffs and other ‘theatrical paraphernalia of legal performance’.<sup>48</sup> Justice G.D. Khosla, one of the judges who presided over the appeal against the Special Court judgment at Shimla, describes the pomp of the High Court trial. The partition of India had left the state of Punjab in deep turmoil, and many of the

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<sup>46</sup> Arendt, *Eichmann in Jerusalem*, 4.

<sup>47</sup> Martha Umphrey, “Fragile Performances: The Dialogics of Judgement in ‘A Theory of the Trial,’” *Law and Social Enquiry* 28 (2003): 530.

<sup>48</sup> Costas Douzinas, “The Legality of the Image,” *The Modern Law Review* 63 (2000): 815.

judges of the Punjab High Court had also been victims of partition. As they had moved from Lahore to the Indian part of Punjab, the judges had not necessarily carried their fineries with them. As a result of this, for over eighteen months, the court had been held at the ex-Viceregal Residence, known as Peterhoff<sup>49</sup> in Shimla, with relaxed dress regulations. However, as Justice Khosla states, the elaborate costumes were brought back in full force for the appeal trial. ‘We decided that as a special measure we should resume the old practice of wearing wigs, and that on our entry into the court-room we should, as in the olden days, be preceded by our liveried ushers carrying silver mounted staffs.’<sup>50</sup> The ballroom which had been hastily converted into a courtroom also enhanced the spectacle. Khosla’s account reveals, how the judges were aware of the intimidating and spectacular qualities of the rituals employed, and how they went out of their way to use such rituals in the Gandhi murder trial in order to impress upon the public the gravity of the situation.

This blatant show of power can be more than a little intimidating for the defendant, who has the most to gain or lose from the trial process. In her study of a Magistrate’s court in London, Pat Carlen found that the staging of such rituals ‘*in itself* infuses the proceedings with a surreality which atrophies defendants’ abilities to participate in them.’<sup>51</sup> Thus, the spatial dynamics of the courtroom are of concern to us, because they have a considerable effect on the level of comfort that an actor experiences in the courtroom, and thus also exert an influence on the kind of evidence that she provides. Since, this evidence in turn becomes ‘the

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<sup>49</sup> Peterhoff continued to serve as the Punjab High Court till 1955. Later, after the creation of Himachal Pradesh it was designated as the Raj Bhawan or the Residence of the Chief Minister. In 1998, the Himachal Pradesh Tourism Development Corporation turned it into a heritage hotel. Today, the Himachal Pradesh Government is contemplating turning the Hotel into a museum, and to recreate the trial within its premises.

“Himachal Pradesh Government mulls turning Nathuram Godse trial venue into tourist attraction,” *DNA*, January 31, 2010.

<sup>50</sup> G.D. Khosla, *The Murder of the Mahatma: And Other Cases from a Judge’s Notebook* (London: Chatto & Windus, 1963), 211.

<sup>51</sup> Pat Carlen, *Magistrates’ Justice* (London: Martin Robertson, 1976), 19. Emphasis in original.

basis on which judgments are made and the confidence that the public have in the process of adjudication,<sup>52</sup> it is key to ensure that the defendant is not unduly intimidated by the courtroom and its rituals.

Thus, we have seen that the theatre of the court can privilege the eye of the spectator over the defendant's ability to give evidence. In addition to this, the architecture of the courtroom lends itself to a surveillance and control of all visitors. All these factors may intimidate a witness/defendant, which in turn may affect the trust the court places in their testimony. However, all these conditions must not lead us to assume the complete domination of the trial process by the state; despite the power imbalance, there is room for subversion within the trial. As we shall see in the next section, political defendants are often aware of this, and seek to take advantage of it.

### **Subversion of power**

Despite the inbuilt theatricality of the court and the power hierarchies that are at play inside the trial arena, the actual trial – in a democratic state – can never be entirely predetermined, and thus there is always room for subversion of power within the courtroom. The state may initially instigate the spectacular trial, but sometimes the turn that the trial takes may surprise the state itself. These are the trials in which the defendant takes the opportunity to make a political point. In contrast to the state-oriented view of political trials which claims that such trials are entirely orchestrated by the state, some theorists argue that political trials can be

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<sup>52</sup> Mulcahy, "Architects of Justice," 384.

defined as political only if the defendant chooses to make a political point in the trial. For instance, Richard Uviller defines a political trial not by the role of the state, but the actions of the defendants. He argues, ‘defendants and their counsel are using the trial for political ends; and are attempting to make the trial a political event.’<sup>53</sup>

Ronald Sokol reiterates the view that defendants in political trials are not just aware of the power potential of the trial, they actively try and manipulate it: ‘The political defendant, far more than the usual accused, wants to be tried, wants to use the courtroom as a stage to dramatize his views and, perhaps ultimately, his execution as a final invocation to disciples and would-be disciples.’ By appearing in court the political defendant gains ‘[a] stage, attention, care, an immediate physical audience, a larger audience not present, notoriety, perhaps fame, perhaps immortality. Today his potential audience is global.’<sup>54</sup> Thus the spectacular nature of the political trial is sought both by the state and the defendant, and thus, can never entirely be orchestrated by the former.

As famous assassins, such as Soghomon Tehlirian and Shalom Schwartzbard, had done before him, Godse made no attempt to run away after the shooting. In all these cases, the defendant was aware that while the act of killing expresses disagreement, it does not explain the reasons behind it. The killers want to be tried in court where they could debate with the state’s opinion and prove that their stance was better, thus justifying their actions. In his statement before the police, Vishnu Karkare, Accused No. 3, explained why Nathuram Godse chose to kill Gandhi alone. The most important reason was the fact that Godse believed that

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<sup>53</sup> Uviller’s statement to Special Committee on Courtroom Conduct (1970-73), quoted in Norman Dorsen and Leon Friedman, *Disorder in the Court: Report of the Association of the Bar of the City of New York, Special Committee on Courtroom Conduct* (New York: Pantheon Books, 1973), 78.

<sup>54</sup> Ronald Sokol, “The Political Trial: Courtroom as Stage, History as Critic,” *New Literary History* 2(1971): 502.

This is the accepted version of a chapter published by Ashgate/Routledge in Allo, Awol (ed.) *The Courtroom as a Space of Resistance*, 2015:  
<https://www.routledge.com/The-Courtroom-as-a-Space-of-Resistance-Reflections-on-the-Legacy-of-the-Allo/p/book/9781472444608>  
Accepted version downloaded from SOAS Research Online: <http://eprints.soas.ac.uk/25458/>

‘he was an orator and writer and he would be in a position to impress upon the Government and the Court as to why he had killed Ganhiji [sic].’<sup>55</sup>

Godse himself acknowledged this fact when, during the trial he explained his actions immediately following the assassination, and the rationale behind them. ‘I did not make any attempt to run away; in fact I never entertained any idea of running away. I did not try to shoot myself. It was never my intention to do so, for, it was my ardent desire to give vent to my thoughts in an open Court.’<sup>56</sup>

Even before he began speaking the Prosecution objected to the reading of the entire statement of Godse, because they believed that large parts of it were irrelevant to the case. In fact, almost two-thirds of the Godse’s 93 pages long Written Statement dealt exclusively with Gandhi’s ideology and his participation in Indian politics, and about Godse’s relations (or lack thereof) with the rest of the accused, and only a minor portion focused on the murder itself. For these reasons, after Godse finished reading his statement the Chief Prosecutor, C.K. Daphtary, once again raised objections to the statement, and requested that since parts of it were inconsequential they should not be incorporated into the court’s records. However, Atmacharan declared that parts of a Written Statement could not be deleted.

This rule, which promised the sanctity of the Written Statement, was successfully used by the defence to their advantage. The defendants had chosen to not bring any witnesses to the stand, and all the accused (except for Kistayya<sup>57</sup>) chose to read aloud their Written

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<sup>55</sup> National Archives of India: Private Papers; 27, Mahatma Gandhi Papers (1880- 1948); 12.D, Gandhi Murder Trial Papers; File 23, Statement of Accused in Original; Statement of Vishnu R. Karkare, p. 58.

<sup>56</sup> National Archives of India: Private Papers; 27, Mahatma Gandhi Papers (1880- 1948); 12.D, Gandhi Murder Trial Papers; File 26, Printed Records of Mahatma Gandhi Murder Case, Vol. II; Written Statement of Nathuram Godse, Accused No. 1, Para 149.

<sup>57</sup> Kistayya could neither read nor write.

Statements. This allowed the Defence counsel to minutely construct these Written Statements; for instance the use of terms such as ‘the Prosecution is *ab initio* void’<sup>58</sup> in Karkare’s statement show the clear influence of the Defence Counsel on the written statements of the accused. These carefully constructed written statements were then placed in their entirety on the court records for posterity.

During the appeal in the High Court, Godse had made a plea of poverty and based on this he requested that he be allowed to appear in person during the appeal trial. As a result of this, Godse was the only accused who was present during the trial at Shimla. As Justice G.D. Khosla, one of the three judges of the Appeal Court says, this request was only an excuse; in reality, Godse wanted to be present at the trial because he wanted ‘to exhibit himself as a fearless patriot and a passionate protagonist of Hindu ideology.’<sup>59</sup> This becomes even more evident when we factor in the detail that Godse was not even challenging his death sentence during the appeal, all that he was challenging was the accusation of the existence of a conspiracy which involved all the other accused.

Godse’s estimations of his own skills as an orator were not entirely exaggerated. According to Justice Khosla’s account of the appeal trial, during Godse’s speech ‘The audience was visibly and audibly moved. There was a deep silence when he ceased speaking. Many women were in tears and men were coughing and searching for their handkerchiefs. The silence was accentuated and made deeper by the sound of a[n] occasional subdued sniff or a muffled cough. It seemed to me that I was taking part in some kind of melodrama or in a scene out of a Hollywood feature film.’ He goes on to say, ‘the audience most certainly thought that

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<sup>58</sup> National Archives of India: Private Papers; 27, Mahatma Gandhi Papers (1880- 1948); 12.D, Gandhi Murder Trial Papers; File 26, Printed Records of Mahatma Gandhi Murder Case, Vol. II; Written Statement of V.R. Karkare, Accused No. 3, Para 5. Italics in original.

<sup>59</sup> Khosla, *The Murder of the Mahatma*, 214.

Godse's performance was the only worth-while part of the lengthy proceedings.'<sup>60</sup> Khosla concludes by saying that he had 'no doubt that had the audience of that day been constituted into a jury and entrusted with the task of deciding Godse's appeal, they would have brought in a verdict of "not guilty" by an overwhelming majority.'<sup>61</sup>

Gopal Godse too vouched for the power of this speech, he added that after Nathuram had finished speaking and 'as soon as the judges returned to their chamber, the police pounced on the correspondents and snatched their notebooks. They did not stop at that. They tore down the note books into pieces and warned the pressmen on severe consequences if they published the true account of Nathuram's speech.'<sup>62</sup> The speech sought to undermine the legitimacy of the Indian State, and was so powerful that in a knee-jerk reaction the government of India banned the publication of Nathuram Godse's statement in an attempt to limit its spread.<sup>63</sup>

Another defendant who attempted to subvert the power structures in the courtroom was Accused No. 7, V.D. Savarkar. As a trained lawyer, Savarkar was aware of the iconology of the court and the trial syntax, and he deliberately sought to undermine the court's control on the visual displays within the courtroom; his subsequent acquittal proves his success to some extent. On the first day of the trial, the press was allowed to take pictures of the accused sitting in the docks. Savarkar complained against this act, and he insisted that he had not given permission to be photographed along with the others. Through his lawyer, L.B. Bhopatkar, he requested that because of his ill health he should be allowed to sit in a chair,

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<sup>60</sup> Khosla, *The Murder of the Mahatma*, 243.

<sup>61</sup> Khosla, *The Murder of the Mahatma*, 243.

<sup>62</sup> Gopal Godse, 'Events and Accused', in Nathuram Godse, *May it Please Your Honour*, ed. Gopal Godse (New Delhi: Surya Bharti Prakashan, 2007), 26.

<sup>63</sup> Dissemination of the speech in any form was banned till the 1960s; the ban only fuelled its popularity and the speech enjoyed wide underground circulation. After Gopal Godse was released from prison, he challenged the ban in the Bombay High Court in 1968, and the ban was finally revoked in 1970.

and not on the benches occupied by the rest of the accused. The court accepted this request. For the duration of the case, Savarkar sat outside the dock. This served to visibly separate him from the rest of the accused. In an arena where the physical space occupied by the actor is a signifier of their position within the courtroom, Savarkar's presence outside the dock spoke volumes. Robert Payne attributes this differential seating to Savarkar's attempt to portray that not only was he different from the other accused, but also that as a respectable man of the society he was in danger from their uncouth presence. 'He sat alone...as though he felt the need to be protected by a body guard.'<sup>64</sup> The description of the courtroom provided by P.L. Inamdar, of the Defence counsel, adds another element to this incident. According to him, Savarkar sat on a 'Law Chair' which he positioned in such a way that it was not only outside the dock but was also 'nearest to the Court'.<sup>65</sup> Thus, not only had Savarkar distanced himself from the accused, he had also attempted to infringe on the space that was traditionally occupied by the defence lawyers, thereby attempting to portray his superiority over the other accused.

Thus, we see that both Godse and Savarkar were – to different degrees – able to subvert the power structures of the Gandhi murder trial. Godse made use of the spectacular trial to further his own ideology, and even before the assassination, he was banking on the opportunity to present his case in the trial. Savarkar, was more aware of the visual symbolisms of the court, and was able to visibly distinguish himself from the other defendants. In this process, he was able to successfully challenge the image that the state sought to create of him through the trial process.

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<sup>64</sup> Robert Payne, *The Life and Death of Mahatma Gandhi* (London: The Bodley Head, 1969), 615.

<sup>65</sup> Inamdar, *The Story of the Red Fort Trial 1948-49*, 141.

This attempted subversion of the trial process raises important questions for the political trial. What happens if the participants refuse to follow the script set by the state? In his study of power and propaganda in seventeenth century Spain, J.H. Elliott highlights the fact that the state's propaganda can only be successful as long as it is believed to be rooted in reality. When an insurmountable and obvious gulf opens between reality and the rhetoric, it gives rise to a credibility gap;<sup>66</sup> this is exactly the gap within which defendants of modern spectacular trials seek to place themselves. The defendants attempt to reconfigure the rituals within the courtroom, by refusing to accept the visual practices of the state – such as Savarkar's attempt to distance himself from the rest of the accused, or by ensuring that their statements are recorded in their entirety within the trial records – as Godse did with his Written Statement. Such practices allow the defendants to leave their imprint on the trial stage, and make the audience doubt the State's version of reality, thus partially subverting the spectacular trial.

## **Conclusion**

Law enjoys a closely intertwined relation with the visual; this relation becomes very apparent in political trials, which tend to highlight the spectacular dimensions of law and the state. During the Gandhi murder trial, we saw that the state carefully selected each visual marker of the trial – from the building where the court was located, to the organisation of the courtroom itself. Since such trials are organised with the audience in mind, each icon used is replete with symbolism. For instance the Red Fort symbolised a continuity and legitimacy of the Indian state, and thus underscored the authority of the new postcolonial government. In addition, the

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<sup>66</sup> J.H. Elliott, "Power and Propaganda in the Spain of Philip IV," in *Rites of Power: Symbolism, Ritual, and Politics Since the Middle Ages*, ed. Sean Wilentz (Philadelphia: University of Philadelphia Press, 1985), 171.

Fort acted as a symbol of India's syncretic culture and the new State's secular ambitions, and this symbolism was used to counteract the threat posed by Hindu nationalist ideology within the country.

Within the courtroom, every attempt was made to ensure that the proceedings were aimed towards the external audience of the trial and not those within the courtroom. Courtroom architecture and the pomp of the rituals used were carefully selected to impress upon the viewers the importance of the trial and the power of the state. Yet, despite its meticulously planned symbolism, the political trial remains vulnerable to attempted subversions by the defendants. A spectacular trial is only worth the credibility that its audience is willing to lend to it. It is exactly this credibility that the political defendant seeks to attack, and by widening the gap between reality and the state's rhetoric, they attempt to usurp the power of the spectacular event. Thus, we find that Godse was able to air his views against the Indian State within the courtroom; his speech was so persuasive that the Government felt compelled to ban it, and in the process managed to harm the legitimacy it has so painstakingly tried to create through the spectacular trial.