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Incarcerating the Innocent: A History of Under-Trial Prisoners in Colonial India



SPEAKER

Dr. Alastair McClure

Assistant Professor,
Department of History,
University of Hong Kong

Abstract: Stitching together the social life of what came before the courtroom, this paper seeks to bring the experience of pre-trial detention within histories of the criminal trial in colonial India. With the accused regularly spending weeks in lockups, barracks, tents, and prisons awaiting trial, on one level detention presented a series of practical obstacles when it came to organising a proper legal defence. At the same time, this experience brought with it a host of more basic problems, with regular complaints about the derisory provision of food, ill-treatment at the hands of the police, the exposure to the heat and the cold, and difficulty in accessing family and friends. Placing a tremendous physical and emotional burden on the accused, these problems continued when their trial was to begin. Marched through towns tied to a rope, locked in overnight train compartments, or escorted in police vans, the journey to court itself could become humiliating public spectacles. On arrival in the courtroom, whether it be a lack of access to personal clothes, the position of guards around the docks, or the use of handcuffs, the politics of how the accused was presented was then to shape how they were perceived by the jury and the judge. As will be shown, in these circumstances it was not uncommon for those making a case for their innocence to have to do so dressed in prison clothes and shackled to the dock, as they battled hunger and fatigue.



CHAIR & DISCUSSANT

Dr. Mayur Suresh

Senior Lecturer,
School of Law, SOAS, University of London



Thursday, 13th Oct 2022



5:00 PM IST onwards

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