



JUDICIAL ICONOGRAPHY AND THE COURTROOM ARCHITECTURE IN INDIA

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ABSTRACT

This paper aims to articulate what judicial architecture and iconography can tell us about the Indian justice system. Such articulation depends on our view of architecture as a form of communication which can give us insights into the legal biography. The arguments in the paper are based both on literature review and fieldwork to trace the spatial dynamics of the Indian courtroom.

KEY WORDS : *judicial architecture and iconography , social conditions and society.*



INTRODUCTION

Linda Mulcahy(2011) has talked about that judicial architecture has evolved over a period of time from adjudication at city gates to moot trees to now being conducted in a spatially segregated buildings. She has showed that judicial architecture evolved with evolution of social conditions and society. We can argue that similar trend can be traced in the Indian legal system with old courts housed in Maharaja's palaces like Patiala House while the new courts like Saket court have a contemporary architectural feel to it. The argument made in this paper through the lens of courtroom architecture and iconography is that Indian Legal System tries to balance between traditional and conservatism on one hand and change and innovation on the other. This is reflected in the ways the legal process works as well as in the way its buildings are designed. Another point the paper wish to express is that law as a site of expression is not neutral or devoid of any human element. Rather the constant beliefs and values normalised in the society is reflected in the images of justice in the Indian legal system.

COURTROOM ARCHITECTURE

Judith Resnik and Dennis Curtis in their book Representing Justice talks about that 'architecture of justice, the functions and forms of buildings have diversified'¹. The label courthouse in America has been replaced by terms like 'Law Enforcement Center' which are buildings dealing with administration, adjudication and detention in one complex. This court architecture of modern day has become segregated with "hierarchical relations of authority as professional judges and lawyers worked in spaces walled off from lay participants, criminal defendents and the public"². They further argue that because of this spatial segregation the judges have stopped working in front public eye and judicial hierarchy in name of

¹Dennis E. Curtis and Judith Resnik, Representing Justice: Inventing, Controversy and Rights in City States and Democratic Courtrooms. Yale University Press: New Haven and London, 2011. p.338

²Ibid. p.339

independence of judges is installed. This makes them inaccessible which is contrary to democratic process of 'equal access and treatment'³.

It must be noted that courtroom buildings aims to provide legitimacy to state bureaucracy and its ideology. It is reflected in the courts buildings with glass panels to show commitment to transparency. These are used to give image of openness and accountability to general public. The idea behind installing glass is to 'enable people to see and be seen'⁴ and counter the arguments of courts as inhospitable. In the modern day to counter terrorism, now 'ballistic-resistant'⁵ glasses have been installed. They also point out that though glass is meant to represent transparency, it is also medium for isolation for high-security criminals and defendants. One example can be of Eichmann trials where the accused was made to sit in glass box away from the public in the whole trial.

They point out how court architecture is designed in such a way to keep layers, judges, defendants, public away from each other as out of the courtroom each has different ways to be sent-off. Security and judicial independence is as a rationale behind isolating individuals from each other. They argue that effect of technology has also increased with time video conferencing, online payment of judicial fees, online availability of case history are available easily. Recently modern courtrooms have tried to give themselves an urban feel by installing gym, cafeterias and commercial outlets.

Another trend they trace in modern family courthouses is areas where children can play as well as spaces for social workers and psychologists. This can be noticed in the Indian Family courts also like Patiala House which will be discussed in detail in the next section.

They basically point out that modern adjudication process today aims at displaying transparency, fairness and independence through using glass and natural light. Yet they are equally caught up in older representations of justice like statue of Lady Justice, blindfold holding scales to display impartiality and equal treatment of all.

JUDICIAL ICONOGRAPHY

The most dominant image of law is statue of Justitia. Martin Jay in his article 'Must Justice Be Blind' argues that there are was two interpretation of her statue. The first was that "Justice has been robbed of her ability to get things straight, unable to wield her sword...or see what is balanced on her scales".⁶The second interpretation that came to occupy the space of common knowledge is that the blindfold in actuality represents the "impartiality and equality before law".⁷ It thus came to imply neutrality rather than helplessness. The argument given for it is that the blindfold facilitates and symbolises the ability of justice to distance itself from the undue influence delivering impartial verdicts. This was followed by replacing of colourful seals with simple signatures on legal documents to give an image of neutrality and professionalism. The emphasis then was on articulating justice in language and not vision especially the emphasis on divine will of the god was done away with. However Martin Jay argues that this blindfold on justice in actuality represents that justice does not originate in freedom. He points our attention towards the violence of the formal, abstract law when he argues that justitia undertakes the task of veil by portraying each of the judgement nothing more of a general case. By doing so, it wrongly assumes that a general principle can be applied in all contexts irrespective of the individual and their contexts.⁸

What he is trying to convey through the discussion of Justitia is the problem of both algorithmic conception of justice and its post-structuraist alternative, a singular, case-by-case justice that

³Ibid. p.339

⁴Ibid. p.341

⁵Ibid. p.342

⁶Martin Jay. Must Justice Be Blind: The Challenge of Images to the Law in Martin Jay Refractions of Violence. Routledge: New York and London, 2003. p. 87

⁷Ibid. p.88

⁸Ibid. p.93

does without any abstract prescriptive criteria. He nevertheless points out that while male judgement often is “universalist, de-contextualized and formalistic, its female counterpart...is more sensitive to individual detail, narrative uniqueness and specific context.”⁹ Thus blindfolding is not just blindfolding the Justitia but blindfolding the female gaze.

Judith Resnik and Dennis Curtis in their book *Representing Justice* argues that the statues and images have a role in shaping the access to and attitude towards justice of people. They try to establish a link between courts and democracy examining centuries of images and statues to see how they represent the changing ideas about the role of judges. They point out that with changing ideas in the democracy put pressure on traditional statues of justice. As people of varied racial background gained rights, the image of Justitia came to be debated about. What she should look like? How can she be not an abstraction but the representation of general public? In twentieth century controversy arose over her colour and shape. There was also debate on her draped or naked or masculine figure. There was a controversy on symbolic representation of a hands-tied Indian about to be attacked by another gun-man in Ada County Courthouse, Idaho. In 1993 dark skinned lady justice statue was installed in Virgin Islands representing the changing racial dynamics in America. However in the same area, statue of MocoJumbie as a symbol of justice was rejected showing the modern ignorance of local culture. In 1990s enamel panels of monochrome colours was installed in Boston courthouse to “avoid questions of what Justice might, could or does look like”.¹⁰

COURTROOM ARCHITECTURE, JUDICIAL ICONOGRAPHY AND LEGAL HIERARCHY IN INDIA

Linda Mulcahy in her book ‘Justice, due process and the place of law’ argues that “the environment in which the trial takes place can be seen as a physical expression of our relationship with the ideals of justice”¹¹. Keeping the statement in mind it is important to analyse the courtroom architecture of the Delhi courts to understand how judicial buildings and courtrooms determines the process of law. What does the spatial setting of the courtroom with the judge on an elevated bench, the victim on the stand and the audience benches ten steps away from the stand tells us about the legal hierarchy?

The judicial and legal hierarchy in India can be examined by analysing the spatial settings of Saket court and Patiala House Court in Delhi.

Saket Court is a modern architecture and started functioning from August 2010. In a comparative perspective this court can give us insights on how much the relationship of the Delhi’s population with justice and its sites have evolved with time. A descriptive account of the court building and courtrooms should be noted alongside analysing the ethnographic analysis of it as a judicial site.

The main building of the court complex houses 81 courtrooms with separate floors for judge’s chambers. The courtrooms are situated at ground, first, second, third, fifth floor while judge’s chambers are located at fourth and sixth floor. The court also has 3 Mahila courts under Judge Shivani Chauhan, Monia Saroha and Ankita Lal. There is a separate lift for judges and their chamber floors are inaccessible for any individual without prior permission from Room No. 204.

There are two separate copying agencies at the court for south district and south east district for administrative purposes. Similarly there are two separate wings for criminal and civil cases in the building. The lawyer’s chambers are housed in a different block which also has a canteen. There are total of 92 chambers for judges and 666 lawyers’ chambers in court complex. The security arrangements are made in the court complex with CCTV cameras everywhere and x-ray security machine and checking at entrance of

⁹Ibid. p.95

¹⁰Dennis E. Curtis and Judith Resnik, *Representing Justice: Inventing, Controversy and Rights in City States and Democratic Courtrooms*. Yale University Press: New Haven and London, 2011. p.125

¹¹Linda Mulcahy, *Legal Architecture: Justice, Due Process and the Place of Law*, Routledge Chapman & Hall, 2011. p.1

the court complex and in the main building which houses courtroom and judge's chambers. However there are no security checks at the lawyers block.

What does the spatial construction of Saket court complex tell us about changing contours of judicial hierarchy in Delhi? Linda Mulcahy argues that "legal architecture can associate law with tradition and conservatism or can equally well symbolise a commitment to change and innovation"¹². The Saket court tries to navigate between these two opposite ends. The design in the building have large glass panels which Judith Resnik and Dennis Curtis interprets as representing transparency and accountability yet this notion is questionable in context of Saket courts when there is no information window for general public in court complex. Even officers who are there desks are unhelpful. Thus even if court architecture tries to symbolise certain ideals it is ultimately the people who work there on whom realisation of these ideals depend on.

Similarly on the one hand courtrooms are accessible for the general public to sit and watch the proceedings rather easily as compared to High courts or Supreme courts which requires special permission. However on the other hand the judge's floor and judges are inaccessible for general public. The judges sit at the top of judicial hierarchy is clearly visible when they are granted a separate lift guarded by security guards. The traditional argument given for this is to avoid undue influence on judges yet the question comes that with so many private zones in court complex then how much is it a public building? Similarly while general public is allowed to watch the Saket court proceedings by sitting within the courtroom, the practices inside the court complex and courtroom illustrates what Linda Mulcahy calls distrust of public. This was evident when even a sweeping broom is put through the x ray machine and when individuals are constantly enquired about their identity and whereabouts at every step by the police. This is further evident when the security workers use traditional profiling methods in their security checks singling out individuals who they find suspicious on the basis of appearance. Some individuals are made to go through long procedures of security check while entering the courtroom building while others are allowed to just walk in without any undue attention. Also while there are restrictions of cameras and laptops for general public on one hand and on the other hand there exists specialised video conferencing facilities in the building. We can argue that even the technologies are segregated and require us to ask the question: how 'open' are courts?

The distrust of the public on the police and judicial system and distrust by the public of judicial and police system was evident when we encountered the man outside the courtroom shouting that 'if you call 100 number to help the police, you will only be incriminated by the police and the system'. The importance of press as a defender of public interests and at the same time publicizer of the judicial trials was indicative when interview of lawyers were conducted by NDTV and E24 news channels. However it should be noted that they were conducted outside the gates of court complex as press interviews and cameras are not allowed inside the court complex creating the notion of outside and insider.

The most dominant image of justice which is statue of *Justitia* is not present at Saket court complex nor inside the courtrooms. It is quite different from the traditional notions of justice where her presence in a courtroom is basically assumed to be obvious. The Ashoka Emblem is present inside one courtroom while the gavel of judge is present in all courtrooms reasserting the already established authority of the judge. We can argue that modern court of Saket is relatively symbolically silent as compared to High Court or Supreme Court of Delhi as there are no paintings or other images of justice.

The Saket Court tries to tilt towards conceptions of change and innovation when we see that the victim is not made to come to every proceeding of the court and face the accuser as witnessed in the Mahila Court. The accuser also made to stand directly in front of the judge and not in the witness box as usually depicted in movies. The construction of saket courtrooms is also not very big and huge and there are only 3 rows of chair for public sitting creating an environment of cosiness and not overly intimidating. However walking inside the courtroom nevertheless proves to be an intimidating experience for individuals due the authority of the judge, intimidation of the proceedings and judicial hierarchy where public spectators are

¹²Ibid. p.1

bottom of this hierarchical chain. This is evident when the judge does not talk to individuals directly who are present inside the courtroom but rather through police officers.

The most striking point of the Indian courts is the sacrosanct attitude on the 'procedure'. Whether it is the security checking, different windows for different copying agency, filing, fees and other administrative processes or the direction of the judge himself/ herself in court proceedings, the due process is a must to be followed. It is present everywhere. A meeting with a judge for research purposes also requires procedure and forms filing to be followed.

The Saket court through its architecture tries to navigate between the modern day commitment to change and innovation while at the same time retains the traditional attitude of judicial hierarchy.

Patiala House court on the other hand symbolises the traditional dimension of the Indian judicial architecture as it is housed in the former palace of Maharaja of Patiala near India Gate. The court complex has 32 courts, 1 family court, Legal Services Authorities Office, Lawyers and Judges Chambers, Notary offices and a Library. There is also a small park in front of the building and sitting arrangements are made inside and outside of court halls. The court complex is divided into five parts: Main Building, Publication Building, Annexe Building, Lock-Up Building & MEA Building. The family court resides in the MEA building which has a modern architecture and feel to it in a otherwise traditional palace of the Patiala court. The palace where court is housed is of white colour as compared to the modern Saket court which has a wooden feel to it. The legal hierarchy is evident in the traditional Patiala court also as judge sits at an elevated chair while the lawyers and the witness box in courtroom is one pedestal down. Separate entrance for judges and inaccessible judges' chamber exist in this court also setting up the grounds for legal hierarchy.

Judicial iconography and courtroom architecture tells us about the biography of the legal system. Through certain visual images it informs us about the judicial beliefs and ideas which are not always unbiased if looked closely. These images inform us that law is not neutral devoid of human element but rather very closely situated in it. If we look closely at the visual images and paintings at the family court of Patiala House we can interpret the heterosexual notions of the Indian legal system and its historical practice. The paintings in this family court are made by children which depict the Indian notions of a perfect 'normal' family which consists of mother, father and children. All the paintings inside and outside the courtroom put across the sacrosanct image of heterosexual family which is even reflected in Indian Criminal and civil law, Hindu Marriage and Adoptions Act and Section 377. Nor does the judicial iconography or the Indian legal system give space for different kinds of ideas of family. Another important point to note in the images of Indian court room is the presence of general election and bar council elections posters. Most of the lawyers standing for bar council elections are affiliated to some political party and it is reflected in their posters. Thus the legitimacy of separation of judiciary from political influence can be very much questioned.

Also while Saket court was silent on symbols of justice, this is not the case in Patiala court. The Ashoka Emblem exists on the chair of the judge in every courtroom. However the statue of Justitia is absent here also. The courtroom proceedings of the court tells us about the legal hierarchy as the lawyers in the courtroom addresses the judge as 'my lord' while making his case and uses words like 'beautiful' to describe the sections of Code of Criminal Procedure, 1973.

The Patiala house court of traditional architecture tries to give itself an urban innovative feel by opening up a counter of coffee chai of Café Coffee Day. This illustrates Resnik and Curtis point about courthouses trying to urbanise itself like modern offices.

CONCLUSION

In conclusion we can argue that spatial dynamics of a courthouse can tell us the history of a legal system. The changing dynamics of democracy and social movements affects the images of justice. The striking example of this is present in Indian courts that after Delhi Gang Rape case, judicial services preparation ads in these courthouses refer to case for teaching criminal code. The glass panels, modern wood furniture while at the same time old palace buildings with white colour furniture show the different

contours of Indian legal system. The judicial and legal hierarchy with separate entrances and exits and hallways for judges and public shows what Resnik and Curtis talks about modern and impersonal forms of adjudication. The image of justitia while is absent in these district courts it is present in Madras High Court complex. This shows that Indian Legal System also resolves itself to identifying with common representations of justice. In the end we can argue that courtroom architecture of India show the rigid legal hierarchy in the state. The traditional heterosexual symbols of family in Patiala family court on one hand and symbolic silence on images of justice in Saket court on the other shows that law comes to represent the belief and values of a given society. These beliefs are either articulated in constitutional text or in the spatial dynamics of the courthouse.

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