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## INTERPRETING THE SCALES OF JUSTICE: LEGAL ARCHITECTURE, SYMBOLISM AND SEMIOTICS OF THE SUPREME COURT OF INDIA

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<b>Abstract:</b>	<p>The neutrality of the art and architecture of courtrooms and courthouses has dominated the public perception in the Indian context. The courtroom design and the visual artistic elements present within these judicial places have very often been considered to be insignificant to the notions of law and justice that they reflect. As art and architecture present certain historical narratives, reflect political allegories and have significant impact on the perceptions of their viewers, they have critical socio-political ramifications. This makes it pertinent to explore them and investigate the paradox of their deployment and interpretation in today's increasingly mediatized world. Through an ethnographic study of the Supreme Court of India, this paper interprets its art and architecture, and, the symbolism and semiotics reflected through them. Arguing against their neutrality and insignificance, the paper demonstrates how they reflect nationalism, judicial ideologies and power-space dynamics. It further argues that they act as evidence of political metaphors related to justice, power and democracy. With a conversation between law, architecture and semiotics, the paper investigates the historical and spatial dimensions of its architecture and artistic elements. Mapping the Court's architectural history, I examine how the visual representation of 'justice as virtue' finds translation in its architectural and artistic design through transfer of the image of the 'scales of justice' into it, while absenting the notion of 'justice as struggle'— to contemplate on how legal architecture gives evidence to the vexed relationship between law and justice and also of the break from the colonial past.</p>
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### **Abstract**

The neutrality of the art and architecture of courtrooms and courthouses has dominated the public perception in the Indian context. The courtroom design and the visual artistic elements present within these judicial places have very often been considered to be insignificant to the notions of law and justice that they reflect. As art and architecture present certain historical narratives, reflect political allegories and have significant impact on the perceptions of their viewers, they have critical socio-political ramifications. This makes it pertinent to explore them and investigate the paradox of their deployment and interpretation in today's increasingly mediatized world. Through an ethnographic study of the Supreme Court of India, this paper interprets its art and architecture, and, the symbolism and semiotics reflected through them. Arguing against their neutrality and insignificance, the paper demonstrates how they reflect nationalism, judicial ideologies and power-space dynamics. It further argues that they act as evidence of political metaphors related to justice, power and democracy. With a conversation between law, architecture and semiotics, the paper investigates the historical and spatial dimensions of its architecture and artistic elements. Mapping the Court's architectural history, I examine how the visual representation of 'justice as virtue' finds translation in its architectural and artistic design through transfer of the image of the 'scales of justice' into it, while absencing the notion of 'justice as struggle'— to contemplate on how legal architecture gives evidence to the vexed relationship between law and justice and also of the break from the colonial past.

### **Keywords**

Legal architecture, Supreme Court of India, semiotics, symbolism, building, justice

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## INTERPRETING THE *SCALES OF JUSTICE*: LEGAL ARCHITECTURE, SYMBOLISM AND SEMIOTICS OF THE SUPREME COURT OF INDIA

### 1. Introduction

To study and research law through the black-letter-of-law approach without noting its sociological dimensions has the great disadvantage of detaching law from the society, ironically, from the very social context from which law is enacted. Sociological approach to legal research, thus, is of significant value and act to connect between law and society. After all, the object of research, i.e., ‘what should be researched and what not?’ is a question, which is embedded in political, social and economic contexts. It would thus be pertinent to recall sociologist Bourdieu [8] here, who has argued that there exists a hierarchy of legitimate objects of study. In mainstream legal studies in India, to research ‘legal architecture’ would be relegated to either at the bottom of such hierarchy or it might be termed even as an *illegitimate* object of study, as if it detracts from researching ‘real’ law. Moving away from this picture that constitutes ‘real’ law, I aim to study legal architecture.

‘Legal architecture’<sup>1</sup>, in this work, refers to judicial places, including the physical elements and architecture of the courtrooms, the court buildings and the court premises, as well as the judicial spaces that refer to the abstract notional and procedural elements within such judicial places. Foucault [18] characterises these elements as formal actions of the built environment, such as its communication through visual relationships, symbolism in subjects’ positioning and control of the avenues of visibility and circulation, panoptic surveillance, separation or isolation. The study of legal architecture also includes, what Goodrich has called the “semiotic and liturgical aspects to appearance” [22, p. 143], present within these judicial places. There are multiple subject areas that the subject of legal architecture touches upon, such as legal history, legal geography, architecture, human rights, criminology, and politics.

The conception of Law, beyond its textual romanticisation, has been normalized and/or problematised through its visuality very often. Be it the judicial

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<sup>1</sup> Mulcahy [48] has used this term as the title of her book, but surprisingly, she had not defined the term ‘legal architecture’ anywhere in her book, though the definition can be inferred from her ‘introduction’ to the book.

iconography of *Justitia* or iconography of legal architecture, they all have certain visuality of law and justice embedded in them that either normalizes justice as virtue or problematizes justice as struggle. The problematisation of justice as struggle, though, has been rarely showcased, as is evident from the very few examples such as Orozco's murals in the Mexican Supreme Court and the 'Nail Figure' of Lord of Jurisprudence in Kongo, discussed by Resnik and Curtis [60, 61].

This paper, at the intersection of law, architecture and justice, attempts to explore law as an art, by siting itself at the Supreme Court of India (*hereinafter* the SCI). The SCI is situated in New Delhi, the capital city of India, and, is the apex judicial institution to interpret law and impart justice in India. Moving away from the positivist approach to study law, this paper attempts to bring law in conversation with architecture, semiotics and politics. It is based on my ethnographic study of the SCI. I have observed various elements of visuality, such as physical architecture of the court, spatial arrangements within the courtrooms, paintings, portraits, statues, murals, logo of the court and other such visual elements present within the court. I have also uncovered the relationship between legal architecture, its semiotics, and its symbolism in relation to the reflections of power and accessibility. Plethora of figures, that were available in the public domain, has been cited as per the requirements, to emphasise the impact of visual features within the court and to substantiate the arguments by visual means.

Beginning with the discussion of architectural history of the court and its site and the influence of colonialism, independence and nationalism on it, the paper moves on to analyse and interpret the symbolism of various boundaries present within the court. Then it explores the semiotics of the ornamental elements and infrastructural features of the court's architecture and attempts to reflect on the different notions of law and justice that they proffer. It also engages with the judicial iconography showcased by the architecture of the SCI. Thereafter, it investigates the role and position of press and public in the Indian legal system as is reflected through their spatial arrangements within the courtrooms. The paper finally concludes by summing up the implications, that these physical features have, on the construction of law and justice, and gives suggestions to make legal architecture more inclusive and democratic.

## **2. Background: Effects of Independence and Nationalism on its Inception**

The dawn of post-colonial era for India had lot of problems to deal with, the foremost being the stark social inequality because of the caste-system and deep-rooted poverty present in the Indian society. This led to the adoption of a Constitution for the country that vows for securing social, economic and political Justice to all Indian citizens [55], the most important being the social justice, through which the other two sprout. This was, though, only a theoretical set up, and what more important was its implementation, to be made by making people of India feel independent of foreign force, that they will not be now ruled but rather taken care of by their own people. Also, by developing a sense of belongingness to India and generating a nationalistic fervor and localised culture in them.

Buildings, having physical presence and being the expressive physical connectors, thus, were required to be established and designed to reflect independence through nationalistic and localised elements. Though, this was possible only with the public buildings over which the government had power of construction, renovation or demolition and which had public accessibility. It has been argued that with the attainment of Independence, great responsibility was cast on leaders and government officials responsible for government administration, who appreciated the growing needs of the national development, for which construction work of varied types was absolutely necessary for an all-sided development of the nation [52].

India, with majority of its population very poor, had to depend on democratisation. Thus, public buildings had to act as an affirmation, for the vast majority of Indians, of their status as equal citizens of the country. The courts, in such situation, had to be accessible to the populace of the country irrespective of their socio-economic background, because the “need for courts and the judiciary to operate in public, and for their activities to be open to public scrutiny, is a well-established goal of liberal democracies” [44, p. 143].

It has been argued by Patel and van der Merwe, in the context of the Constitution Hill of the South Africa, that “theorising and testing the limits and potential of social justice in a post-apartheid context remains an underexplored area in urban studies” [54, p. 115]. For post-colonial India too, analysis of its legal architecture in the context of social justice had remained an under-researched area. In

the post-independence period, the SCI was established as a citadel of judicial power, and so to understand the present architecture of the court, it is necessary to dive into its architectural history.

The establishment of the SCI begins from the Indian High Courts Act, 1861, which established High Courts for various provinces of India. Later on the Federal Court was established in the wake of provision for a federal system under the Government of India Act, 1935, as it led to the division of powers between the Centre and the provinces thereby initiating possibility of conflicts between them. This signifies the creation of a judicial place of highest authority to look after the conflict of power, the power that was now to be shared between Central and Provincial governments and which had the probability to conflict.

The Federal Court, which was the first court with federal characteristic, was established in 1937 at Delhi, which was the newly built capital of the British. Even the newly built capital of New Delhi was steeped in an irony and reflected imperial culture, politics and economics [31]. The irony was that this huge building project by the British was happening precisely simultaneously with the rise of a powerful Indian independence movement challenging the colonial authority in India [32]. The Court's seat was the Chamber of Princes<sup>2</sup> (see Fig. 1) in the Parliament building in Delhi, which was an exclusive place for dynasts, symbolising an undemocratic and non-republican space. The motive of British behind establishment of this place was to provide exclusive and superior space to Indian princely states' rulers.




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<sup>2</sup> This was an institution (place) established by royal proclamation of King-Emperor George V in 1920. Its purpose was to provide a forum for the princely states' rulers to put forth their needs before the British Indian government, symbolizing desertion of Britishers' policy of exclusion and isolation of Indian rulers. Presently, this place is used as Parliament's library [6].

**Fig. 1** The Inaugural Session of the SCI at the Chamber of Princes, Parliament House, Delhi on 28 January 1950 [79, p. 11]

There was a right to appeal from the Federal Court to the Judicial Committee of the Privy Council in London. It was originally suggested that in addition to Federal Court, provision should be made for establishment of a Supreme Court to hear appeals from High Courts of various provinces in place of Privy Council [36]. Though, the possibility of the quarrel between the two judicial places in terms of their jurisdictions led to non-establishment of the Supreme Court. The Federal Court functioned from the Princes' Chamber till 1950 after which it was abolished to give way to the SCI.

Post independence, the SCI was established on January 26, 1950 and not immediately in 1947. Thus, in the meantime, from 1947-1950, the Federal Court kept functioning from the Princes' Chamber. Being a Court of an independent India, thus, had to be reflected from this judicial space in some form. It can be arguably claimed that the appointment of Harilal J. Kania, first Indian as the Chief Justice of the Federal Court, might be the result of this requirement. He held the post till January 26, 1950, after which he was appointed as the Chief Justice of the newly established SCI. As there were no premises fixed for the Supreme Court yet, it was decided to let the court function from the 'Chamber of Princes'<sup>3</sup>, from where the Federal Court functioned. Thus, the inauguration<sup>4</sup> of the Supreme Court of India took place in the Chamber of Princes in the Parliament building, which also housed India's Parliament, consisting of the Council of States and the House of the People, and the court functioned from there till 1958, after which it moved to the present building.

### **3. Scales of Justice: Site and Architecture of the Supreme Court Building**

The argument that an architectural symbol can simultaneously denote contradictory meanings [41], is reflected from the functioning of the SCI from a part of the Parliament building. One, that it reinforces the judiciary's links with the legislative sphere of the state, as has been argued by Haldar in the case of Supreme

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<sup>3</sup> Presently, the Chamber serves as the Library Hall that houses the Parliament Library. For this an alteration was done in the design of the Chamber.

<sup>4</sup> To read an elaborate discussion of the Inauguration Program, see [33].

Court of Israel for its “formal presence within the locality of government buildings” [23, p. 193]. The other, that, it went against the Indian constitutional prescriptions of separation of power, as well as the independence of judiciary, which was visually absent because of Court’s presence within the Parliament building, as it was flouting the aphorism ‘justice needs to be seen to be done’.

With the expansion in the sovereign Indian Parliament’s activities over the years, need was felt to build a permanent abode for the SCI. The decision to construct the SCI building was taken in 1954, whose estimated cost was 45 lakhs and its site was ten acres area bounded by Delhi-Mathura road and Hardinge Avenue near the Hardinge bridge in New Delhi [82]. Later on it was said that the site is a triangular plot covering an area of 30 acres, sufficient enough to meet present requirements and future expansions, and is nearly equidistant from Old and New Delhi and not far from the two railway stations [80]. This suggests that the issue of accessibility to court, and thereby justice, was also considered by the Indian government.

As has been argued earlier, that the site of a building plays a vital role in creating its imagery and showcasing its significance, the site for the SCI was therefore selected away from the premises of the Indian Parliament, but in Delhi.<sup>5</sup> The concern for such symbolism is evident from the statement of Sardar Swaran Singh, Minister for Works, Housing and Supply, when he said,

The legislature and the executive both had their own buildings in the capital. It was but appropriate that for the highest organ of the judiciary also accommodation suitable both functionally and *otherwise* was provided. There had been a good deal of divergence of opinion as to the proper location of the Court. The question before the government was: should it remain in Delhi or should it be shifted to some more centrally situated town in the country, away from the seat of the executive Government? After very careful consideration it was finally decided to have a separate building for the Supreme Court in the capital itself [81].

Further, Justice Bijan Kumar Mukherjea, the fourth CJI of the SCI, was also concerned and seemed unhappy with the decision of the government to keep the SCI in Delhi, as he said,

I do not know why they have decided to locate the Supreme Court in Delhi? They should have chosen one of the traditional centres for legal learning like Allahabad. Here we are too close to the government [35, p. 435].

The Constitutional Court of South Africa presents an intriguing example of

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<sup>5</sup> Haldar [23] has argued that the presence of the Israeli Supreme Court building within the locality of government buildings reinforces judiciary’s links **to with** the executive and legislative spheres of the state.

symbolism through Court's site. Being built on the site of an Apartheid-era prison, it preserves memory of decades of abuse perpetrated on people within this confinement and also symbolises the victory of justice over injustice [62]. Thus, it can be argued that the selection of this site for the SCI was to generate legitimacy and the visuality of the SCI's neutrality and independence.

The topographies of law along with the architecture of law help law to construct the image and space. Supreme Court building and its architecture, not being an exception to this, had to construct an image negating the colonial hegemony established through the built landscape of New Delhi by the British. Though, it was designed by Chief architect Ganesh Bhikaji Deolalikar, who was the first Indian to head Central Public Works Department (CPWD), but in an Indo – British architectural style, possibly because of two reasons. One can be his Western training, which is also evident from the speech<sup>6</sup> of Dr. Rajendra Prasad. The other reason might be to follow the suit of mixed style of architecture, which was followed by the British when New Delhi was being built as the new capital of British India, so as to fit the SCI building in the Lutyen's complex architecturally.

Such mixed style of architecture also had another symbolic effect, which was of constitutional interpretation of British-modeled laws in the Indian perspective. In this context, the words of Dr. Rajendra Prasad should be recalled,

Just as the building is modeled on European architecture but the idea underlying it is Indian in conception, even so, should our Constitution, which is modeled very largely on the British Constitution, be understood, worked and interpreted in accordance with our Indian genius [83].

The exterior of the building is dressed in red sand stone, keeping up with the architecture of important buildings in the capital city of Delhi and along the main corridors of the building stand imposing columns in Grecian architecture [77]. It has *Chhatris* and *Chhajjas* and is capped by a dome to infuse Indian character. This reflects a blend of the Indian and the Grecian architectures in the materials and built form of the building. An analogy of this can be drawn from the US Supreme Court building, which was constructed in the classical Corinthian architectural style because it best harmonised with nearby congressional buildings [76].

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<sup>6</sup>Talking of the Supreme Court building, Dr. Rajendra Prasad said that 'this noble edifice has been conceived and planned by Engineers and Architects who were trained in their profession according to western standards. The architecture and construction of Building bear testimony of their western experience...' [26].

This also reflects from what Najar argues, that Indian architect Charles Correa was intent, not on imitating the modernism he had studied in the West but on fusing it with India's history and culture to create something new [49]. Further, regarding the initial post-independence era and architecture, Correa, a famous Indian architect, in an interview, argued, "India was a fresh country, and there was this wonderful feeling that everything was going to change and that you would have a new kind of life" [12]. Thus, it might be that Mr. Deolalikar was also of the same opinion what Correa held. It would be pertinent to recall Lord Hardinge<sup>7</sup> here, who envisioned New Delhi as a capital that was distinctively for an Indian Empire. Writing to Herbert Baker and Edward Lutyens, who later became the capital's chief architects, Hardinge argued,

...the aim must be to achieve a style which will be symbolic of India of the twentieth century, with its British and Indian administration. It must be remembered that it is not a British administration that is building the new city, as was the case when Calcutta was built, but a British-Indian administration that is charged with the task [31, pp. 47-48].

In the planning stages itself, Hardinge explained, while writing to Lord Curzon, that New Delhi should be a reflection of a broad classical style with an Indian motif whose architecture must be combined with a spirit of the east that should appeal to Orientals as well as to Europeans [31]. Further, Johnson has also argued, "the goal while designing New Delhi was not simply to imprint British architectural ideals on an Indian landscape, as had been done at Calcutta, but to build a capital that represented a new era in British-India relations" [31, p. 47].

Dr. Rajendra Prasad, the first President of India, laid the foundation stone of the SCI's building on 29 October 1954. The court's building was built on a pattern of architecture embodying certain notion of postcolonial/ transformative constitutionalism by adopting Indian features as well as symbolic form of justice in its architecture. The design of this building was chosen out of five designs prepared by architects of the CPWD and was in keeping with the trends in the country, being classified as Indo-classic. The selected design was in the shape of a balance with a pair of Scales of Justice (see Fig. 2), which was to conform to the triangular site and according to Dr. Rajendra Prasad was the conception of justice for Indians [80]. It forms imagery, that the judicial place is itself a symbol of justice, signifying the importance of symbolism in the legal architecture. It suggests transfer of the

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<sup>7</sup> Lord Hardinge was a British Diplomat and served as a Viceroy of India in the period 1910-1916.

“dominating image of justice” [29], i.e., a balance with a pair of scales, into this architectural form to represent the virtuous nature of justice.



**Fig. 2** Two models of the SCI building as ‘a balance with a pair of scales’  
 Source: The Supreme Court Museum, New Delhi  
 (Photography and editing by the author)

The speech of Dr. Rajendra Prasad, on 4 August 1958, is also evidence to this intentional feeding of image of justice into architectural form. While inaugurating the Supreme Court building, he had said that,

Traditionally we look upon justice as a pair of scales, the two pans of which have to be held evenly without allowing the beam from which they hang to incline to one side or the other. We see two wings on the two sides. They will accommodate the offices and the records. At the end of each wing is a semi circular structure. They represent the pans, which are attached to the beam at the top. This beam will accommodate the Courtrooms wherein the Hon’ble Judges will sit and dispense justice without inclining either to the right or to the left [83].

Thus, in his speech, the non-inclining of judges either to right or to left is suggesting dispensation of justice by judges without any kind of bias.

An analogy to show the significance of the symbolism of site and architecture of building can be drawn from Geuss’s observation, of the decision to turn the building that was the head office of the makers of the gas chambers used by Germany in the second world war, into premises for the University of Frankfurt, which was to decontaminate it to “symbolically detoxify” it with a permanent exhibition about its history [21, p. 267].

Looking at the aerial view of the main building of the SCI, considering only the courtrooms no. 1 to 5, one can conceive the shape of a balance with a pair of

Scales of Justice. The two wings of the building act as two limbs of the balance. These two limbs end with two semi-circular hooks that represent the pans of the balance and are separated by the garden with trees. The centres of the two semi-circular pans connect to a centrally placed statue of ‘Mother and Child’ in the garden. The two wings are joined by the central wing of the building at the centre of which lies the massive 90 foot dome- the most identifiable feature of the entire structure [68]. Below the dome lies the CJI’s court, lined on either side by two courtrooms. This huge rotunda serves as the only authorised SCI image in the public domain. The central wing is comprised of five courtrooms, the CJI’s courtroom, with two courtrooms on either side. On the left of the CJI court are Court Nos. 2 and 5, and on the right of it are Court Nos. 3 and 4, as one moves away from the CJI’s Court.

Two new wings, the East Wing and the West Wing, were added to the rear of the complex in 1979, having two courtrooms each, thus taking the total courtrooms to nine. Lastly, a second extension was made in 1994 that further added six more courts, three each to both the wings, and finally connecting the East and West wings and took the total number of courtrooms to fifteen. These extensions, “constructed in a semi-elliptical form” [35, p. 92], reflected the rising population and thus the rising number of cases before the Court. They also led to a change in the visual image of the building. Rather than representing the balance with a pair of scales of justice, it now seems to represent a phallic architectural image (see Fig. 3). This has led to the arguments in the form of jibes, of the SCI’s phallic image in context of male dominance in it, be it the judicial appointments or conferring ‘seniority’ to advocates practising there.



**Fig. 3** Satellite view of the SCI building after two extensions leading to a phallic architectural image [74]

The building looks very grand reflecting its majestic stature. Both its frontal and inner spaces are surrounded with green parks, and there is a beautiful fountain at the centre of the rear side of the building within the semi-elliptical structure. There are tall and huge pillars (see Fig. 4) around the galleries adjacent to the courtrooms, signifying British architectural anecdotes in the architecture. There is a huge rotunda (see Fig. 5) atop the Supreme Court building. It is below this rotunda, the only authorised Supreme Court image in the public domain, that the court of the Chief Justice of India lay.



**Fig. 4** The pillars of the SCI building with British architectural anecdotes [79]



**Fig. 5** Frontal view of the huge rotunda, grand staircase and the Indian flag at the top of the SCI building [79]

The frontal portion of the central wing of the building, after climbing up through the stairs, has an elevated flat floor connecting to the courtrooms that lie on the same floor. This flat area very often becomes the site of discussion and social gatherings among the lawyers, their clerks, the clients and members of the general public. Below this area is tucked the Advocates' Canteen with advocates' lounge attached to it. This remains secretly hidden from the public view, as there is no signboard suggesting that such a space exists at the base of the SCI building. Entering the canteen would bring one back in a quotidian space with a noisy banal atmosphere. This reminds one of what Halдар has said, quoting Melhuish [42], about the building of the Supreme Court of Israel that “the building attempts to calibrate the relationship between the individual and the collective through mutual agreement” [24, p. 31].

There had been architectural comparisons of the court's building. It has been argued that the design of the building had been inspired from the architecture of the building of the St. Peter's Basilica (see Fig. 6), an Italian Renaissance church in Vatican City in the Rome, which was completed in the year 1626 and adopts the architectural style of Renaissance and Baroque.<sup>8</sup> Though, the design of the SCI building does seem to be similar to its architecture, there is no documentary evidence that suggests so. It has also been argued that “the SCI building is modeled on the Nagpur High Court building (see Fig. 7) that was constructed in 1936, which acts as one of the two benches of the Bombay High Court” [7, p. 20].



**Fig. 6** Aerial views of the Saint Peter's Basilica building [67]

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<sup>8</sup> While talking to the Additional Director General, Architecture, CPWD, New Delhi, I was told that the architecture of the SCI building had been inspired by architecture of the building of the St. Peter's Basilica.



**Fig. 7** The Nagpur High Court building [75]

The SCI's building consists of plethora of architectural features pertaining to the judges that presents justice as virtue. Drawing on Alberti, Haldar has argued that "the society itself, in deference, realises appropriate buildings reflecting the status of such 'others' and thus designates them by different types of buildings" [23, p. 188]. With respect to the SCI's architecture, such allocation is reflected in the separate and exclusive spaces devoted to the judges. There is well-decorated separate passage for judges, known as Judges' gallery. There is Judges' Lounge, the Judges' chambers, Judges' Conference Hall, and, there are separate gates of entry for judges to enter into the building as well as the courtrooms. They all are hidden from the public view.

This is unlike the Israeli Supreme Court where, as Haldar [24] has argued, members of judiciary and public approach the courtroom at the same level. The exclusive entry gate for judges to enter the courtroom that lies adjacent to the bench as well as all the abovementioned architectural benefits extended to the judges speak of "an arrangement that signifies the judge's social distance from and authority over the rest of the room" [15] and the court as a whole. This also reminds of Mulcahy [48] when she says that the quest for private zones within the court was not just a Victorian fetish and the anxiety of having dedicated space for certain participants in these 'public' buildings continue even now.

For lawyers, clerks, litigants and general public, the corridors are common, but the gates to enter into the courtrooms have been separated for the members of the

general public. On one hand, where it can be argued that these special spaces for judges are needed for their security, on other hand, it may be arguably contended that it is to reflect the majesty of ‘justice’. Such spatial arrangement of the court and the people who are its inhabitants, as Foucault argues, “implies an ideology” [19, p. 8] and that is why Du [15] has argued that legal architecture symbolises judicial ideologies.

Further, the segmentations through internal architecture of the Supreme Court building make the building “much less readable by occasional users and renders the temple of justice largely a secret place” [48, p. 56]. This also reminds of Foucault's [20] work that has depicted the ways in which architecture has been complicit in undermining an active public sphere by creation of docile bodies, in the present situation, the court building being the public sphere, and, litigants and members of general public being the docile bodies. A positive sign through implementation of technology in courts has been the digital boards put at different places in the SCI that displays the item numbers with respective court numbers thus helping lawyers, litigants and members of general public to have quick access to the exact case being heard in a courtroom.

### **3. Different ‘Frames’ of Law: The Boundaries, Entrances and Corridors of the Supreme Court of India**

High walls circumscribe Supreme Court premises with entry into it through three main gates that one may reach after passing off the surrounding main roads. Haldar [23] has argued that architectural surrounds of a court of law can be thought of in terms of a surrounding framework, a *parerga*<sup>9</sup> that frames the law and separates it from outside. The high walls of the Supreme Court premises, acting as a *parerga*, exclude the quotidian from the sacrosanct judicial place to maintain its sacredness. Haldar has expressed significance of architecture of the judicial place, when he said that:

Architecture restricts...place of reckoning, containing within its walls a universal body of knowledge; a juridical power to speak that knows no other. These architectural surrounds or constraints may be thought of in terms of a frame. The walls of a court and even the more elaborate features are what frames law, separates law from the

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<sup>9</sup> Piyel Haldar has used this in Kantian terms for a ‘surrounding framework of law’. It means something that is supplementary to a larger work or accessory to a main work or subject [23].

outside. We are no longer surprised by claims that Law is a cloistered world separated, and secluded, from the outside by its framework and its frame of references [23, pp. 189-190].

The arguments made above show the banality acquired by law's separation from the exterior through architectural framework. It suggests that the purpose of legal architecture is to confine the sacral knowledge of law as well as the juridical power to speak law within boundaries. This reflects the distinctiveness of the space framed by architecture, which empowers the judges to impart state's justice through the power of law. That is why Haldar [23] has argued that it is from here that a judge "makes his discourse and from which this discourse derives its legitimate source and point of application" [17: p. 51].

One has to get through three entrances to get oneself into the courtrooms. Each of these entrances, as Haldar [24] argues, provides a 'liminal space'<sup>10</sup> and generates a sense of liminality by framing the outside world from inside. The more a person goes inside, the more surveillance and disclosure of her identity occurs. At every entrance, one will be excluded as an 'outsider'<sup>11</sup>, if s/he fails to acquire law's specific<sup>12</sup> permission, whose requirements are directly proportional to the closeness of the entrance from the courtroom, and thus, would not be allowed to visit justice.

As one leaves the banal roads and attempts to enter the SCI premises, s/he has to confront the first level of security check, where one's person and belongings both are searched. Upon entering the court premises through the primary level security confrontation, comes the second entrance acting as the next filtering point. From here starts the High Security Zone<sup>13</sup> (*hereinafter* the HSZ), which comprises of the main Supreme Court building. One can observe the continuing banality, though in a partial

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<sup>10</sup> 'Liminal space' has been defined by Kim Dovey as —a space 'between' functions where the flows of information are as unpredictable as the flows of people and acts as a site for a situation where certain things may be said that may remain unsaid in other contexts, and where certain people may speak who may not otherwise be heard [14].

<sup>11</sup> Outsider can be understood here either as a member of general public or any other person who could not get access to the SCI main building because of the procedural cum administrative reasons.

<sup>12</sup> The procedure, to get photo entry pass issued from the Reception Counters, asks for the court name and item number for which the concerned person wants access to the SCI building, the photocopy of a photo identity proof and signature of an AOR/ advocate/ concerned officer [71].

<sup>13</sup> The SCI premises was declared a High Security Zone (HSZ) in the year 2007 in the wake of the bomb blasts that took place in the court premises across Uttar Pradesh in the same year. The purpose, of course, was to ensure greater security within SCI. After this beefed-up security, one has to go through two-full checks prior to entering the court premises and one body frisking just outside the gate of respective courtrooms.

form, being carried into the SCI premises except the HSZ. For getting into the HSZ, there are two entry points. Frisking gates are there with security guards to keep a tab on the entrants.

It is a must for every person to have a photo entry pass, which is an identity card with photograph, issued by the court through the Reception counters, to enter into the HSZ. Though, identity cards are measures for security, they also act like a tool of surveillance suggesting law's power to act as, what Bentham has called, a panoptical tool. When a person with an Identity card enters, the details of the person comes on the screen put on the wall that are matched by the security guards manning those gates.

After entering into HSZ through the second gate, and walking past either of the wings, one is confronted with a grand staircase (see Fig. 5), with thirty odd steps, which leads to one's ascension from the ground to the first floor on which the courtrooms are present, and finally leading right up to the Chief Justice of India's court. This ascension symbolises the distinctiveness as well as superiority of the courtrooms, and has universality, for the reason that this architectural pattern of ascension of courtrooms from the ground through staircase has been found in buildings of many Supreme Courts and other courts in various countries as well.<sup>14</sup> This also shows law's dependence on architectural elements to produce notion of virtuous justice irrespective of the nature of legal system and its jurisdiction, as suggested by Ahl and Tieben's [1] arguments on staircase in their work on buildings of Chinese courts.

Then comes the third frisking point that is just at the doors of the respective courtrooms, where a clear power structure can be observed. Be it with respect to access to the courtrooms or the possession of objects having the possibility of capturing the justice delivery process, these 'frames' seem to be the most powerful. It can be commonly observed that the guards at these gates strictly disallow litigants and general public from carrying any object having possibility of capturing 'law in motion', specially a mobile phone, whereas they allow the same to the priests of law, i.e., the advocates. It has become a norm in the SCI, therefore, to carry one's mobile phone inside the courtroom through an advocate's pocket.

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<sup>14</sup> See, Architecture of the US Supreme Court building, Figure 33 [63]; Haldar has mentioned the grand stairway of the Israeli Supreme Court [23, p. 193].

There are signboards outside the courtrooms that say, ‘mobile phones not allowed inside courtroom’ thus strictly prohibiting not only the use, but even the carrying of mobile phones inside courtrooms, the guards never frisk the advocates. The Court, on this issue, has said that ‘the ringing of the mobile phone in the courtroom is contempt of the lawful authority of every and each court as it causes interference in judicial proceedings and obstructs the administration of justice’.<sup>15</sup> This suggests that carrying of mobile phone into the courtroom *per se* has not been prohibited.

This entire process of accessing the inner sanctum of courtrooms, by passing through these three security gates, reminds of what Kafka wrote in his short parable ‘before the law’ as doorkeeper’s statement, ‘...I am powerful. And I am only the least of the doorkeepers. From hall to hall there is one doorkeeper after another, each more powerful than the last...’ Haldar has also argued this in the context of the formal entrance to the various courts of the Supreme Court of Israel when he says that the entrance designated as a gatehouse is redolent of the series of doorways in Kafka’s *Trial* [24].

Corridors of the court also play an important role in maintaining a little ‘publicity’ of the sphere of judicial places outside the courtrooms. Since they are, as Dovey [14] has argued, no one’s places and therefore everyone’s and are framed in a manner so as to initiate and terminate any conversation anytime, they act as places of both, classes and masses. Still, a casual walk through the Supreme Court building’s corridors will present mostly a ‘black and white’ picture with lawyers acquiring majority of the space.

#### **4. Interpreting the ‘extra-legal’: Ornamental Elements, Semiotics and Other Infrastructural Features**

Mehrotra et al. [41] have argued that the discourse of the symbol suggests that architecture becomes an instrument to understand the identity of a culture. Johnson, while accepting the ‘coercive symbolism’ found in the built landscape of New Delhi, has contended that many scholars have argued that New Delhi was the symbol of “the British Empire’s power, breadth and permanence in South Asia” and “was meant to

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<sup>15</sup> *Suo Motu v. P. C. Pandya*, 2005 Cri. L. J. 3567.

encourage Indian consent to Britain's colonial domination" [31, pp. 28-29]. Such encouragement for consent was nothing but infusing belief into the Indians through built architecture to derive legitimacy to rule over them. The same kind of function is performed by the ornamental, semiotic and other infrastructural elements that are present within the court building or courtrooms.

These elements are the logo of the court, statues, sculptures, murals, portraits and spatial arrangement of the courtrooms. All these elements infuse belief, in the public and the consumers of justice, of the legitimacy of the judicial place and confirmation of delivery of justice in that place. This also reminds of Haldar when he says that "law inevitably has to rely upon art" [24, p. 120], which is very much visible from the iconographic and architectural elements of an environment, which is characterised as legal only with the help of such elements. The ornamental aspects of appearance in the courts are also important as the visitors have direct encounters with them knowingly or unknowingly. They produce a certain kind of image of what they contain, in the form of paintings, portraits, murals, which might appear merely aesthetic but do have a persuasive purpose. They reflect the socio-religious practices "that would *religare* the subject to the social" [86, p. 44].

It has been argued that infrastructural and ornamental elements within the courtrooms "are not in and of themselves law, even though they may add to the magisterial aura of law by being merely ostentatious, a bonus, surplus, or remainder to law" [23, p. 188]. But, what can be perceived from them is that these are the 'extra-legal' elements, through which, law reflects state's power, state's authority, notion of justice, and public legitimacy. As has been argued by Haldar that,

...while the ornament is embellishment and not part of the essential, or structural, idea of the building, its function goes well beyond the surplusage of decoration. The ornament is not merely what is surplus to the internal requirements of rhetoric, architecture, or the court [24, p. 122].

This argument by Haldar clearly suggests that though such ornamental and semiotic elements are never planned in the design of the court building or courtrooms, thus suggesting their non-essentialism, they are not mere surplusage and possess a very important value with respect to the understanding of the place as a legitimate and state-empowered judicial place.

The Indian Flag (see Fig. 5), atop the Supreme Court building just in front of its rotunda, is a symbol of national identity, to infuse nationalistic feeling in its

viewers and reflects state's authority and power over the judicial institution to adjudicate disputes and impart justice. The flag has been placed at such a place and is of such size that it is visible even from a good distance. This results in its visibility in all the images of SCI that is shown in media, which specifically shows the rotunda of the SCI. Such positioning of flag is actually as per law's directives.<sup>16</sup> These aspects evoke Haldar [24], where, quoting Melhuish, he mentions that semiotics of court building relates to an understanding of tradition as well as a national identity. This sub-section will discuss all such ornamental and architectural attributes of the Supreme Court of India and will attempt to analyse their symbolic values through semiotics, to see why they are more than mere surplusage to the legal architecture.

#### 4.1 Logo of the Supreme Court and Inscription above the Door of the CJI's Court

The design of the logo of the Supreme Court of India is a reproduction from the Lion capital of Ashoka pillars (see Fig. 8) at Sarnath [78]. It consists of a big wheel at the top of the shoulders of three lions adjacent to each other that are standing on an abacus consisting of wheels alternating with the figures of a horse and a bull (see Fig. 8). Further, there is an inscription on the logo in Sanskrit language, which reads '*yato dharmastato jayah*'. At the bottom of the logo, 'Supreme Court of India' has been inscribed.



**Fig. 8** The Lion capital from Ashoka pillars, the logo of the SCI and the Indian National Emblem respectively [4, 27, 79]

<sup>16</sup> Section III of the Flag Code of India, 2002, relates to display of national flag by Central and State governments and their organizations and agencies. It says that 'where the practice is to fly the Flag on any public building, it shall be flown on that building on all days including Sundays and holidays and, except as provided in this Code, it shall be flown from sun-rise to sun-set irrespective of weather conditions. The Flag may be flown on such a building at night also but this should be only on very special occasions'. It further says it should occupy the position of honour and be distinctly placed.

Both, the wheel as well as the inscription is a symbol of law (dharma). The wheel is referred to as the wheel of righteousness symbolising and encompassing in it truth, goodness and equity. The inscription means ‘whence dharma (law), thence victory’, i.e., the following of dharma (law) leads one to victory.<sup>17</sup> ‘Supreme Court of India’ written at the bottom signifies that the logo belongs to the apex court. In the CJI court, one can see a national emblem hanging on the wall behind the judge’s seat, symbolising judicial legitimacy and signifying conferment of state’s power and authority on judiciary to adjudicate disputes [15]. Further, one can clearly make out that this logo is similar to the Indian National Emblem (see Fig. 8) to a great extent, except the big wheel at the top. Though, rarely observed by people much, it has an important historical narrative attached to it.

A very important difference between the Supreme Court logo and the Indian National Emblem is that the former one has a wheel with 32 spokes placed at the top whereas the later one does not have it. It has been adopted from the Lion capital of Ashoka pillar, which could not be brought into the Indian National Emblem due to certain fault [43]. The difference that it makes is that the basic idea of wheel of righteousness was to represent spiritual forces being above the four lions representing material strength, thus symbolising that spirituality and righteousness are above material strength. Thus, it can be argued that the logo also suggests that the court stands for principle of rule of law and not rule of physical power. Also, to some extent it showcases religious functionality being employed in the court ornaments, which had also been an issue during the adoption of Lion capital of Sarnath pillar as a National Emblem [43].

Contrast this with an inscription above the door of the CJI’s courtroom that reads- ‘Satyameva Jayate’<sup>18</sup> that means ‘Truth alone triumphs’. It symbolises the triumphant value given to truth and its presence above the CJI’s courtroom suggests everyone entering the court to follow the path of truthfulness, for ultimately it is truth that wins. It also reflects the underlying role and responsibility conferred on the apex court. This is similar to what Resnik and Curtis [63] have argued of the inscription of the ‘equal justice under law’ above the doorway of the US Supreme Court (see Fig.

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<sup>17</sup> The details about the SCI’s logo present on the website of the Supreme Court as well as its recently published annual report wrongly says that it means ‘Truth alone I uphold’.

<sup>18</sup> It is a mantra taken from the ancient Indian scripture ‘Mundaka Upanishad’. After India got independence, it was adopted as the national motto of India. It has been inscribed in script at the base of the Indian National Emblem.

9), contending that though they have been inscribed in 1935, their meanings derives from the court's work in the decades that have followed.



**Fig. 9** The inscription of the West pediment of the USSC saying 'Equal Justice Under Law' [84]

The visual history of the two inscriptions which rely on the nationalist imagery inspired from Indological imaginations, making a break from the colonial past, have been read differently over time. In 2013, for instance, questions have been raised about the choice of the inscription used in the SCI's logo. It has been argued that although law itself has been portrayed as extending equal respect to all religions in India, why then does the SCI's logo depart from the national emblem by citing the inscription *Yato dharmastato jayah*? The applications under the Right to Information Act queried information about why *satyamev jayate* was not inscribed on the SCI's logo.<sup>19</sup> In this context, the inscription at the CJI's door becomes significant. Pointing to this, Indira Jaising, a senior advocate of the SCI, wrote an open letter to the judges of the SCI, saying that,

Your tragedy is you enter a court from the back door, you don't see what is written over your heads. I enter from the front door, the first thing I see every morning is *Satyameva Jayate*.' That one sentence would be sufficient to help you in interpreting the law, which is given in your hands for safe custody [28].

<sup>19</sup> In the year 2013, two RTI applications were made to the SCI to know the purpose of using different expression (*shloka*) for its logo rather than the one adopted by the Government of India for the National Emblem. After the applicants did not get any reply from the SCI, appeals were filed to the CIC, which thereafter ordered the SCI to reply the appellants with relevant information within 15 days. See, *Swami Mrigendra Saraswati v. CPIO, Supreme Court of India, New Delhi*, File No.CIC/SM/A/2012/001069, decided on 6 March 2013; *Rahul Mohod v. CPIO, Supreme Court of India, New Delhi*, File No.CIC/SM/A/2012/001491, decided on 22 March 2013.

These statements reflect the significant role played by such “extra-legal” [23] elements fed into the legal architecture as well as their placement within it, to interpret and understand the principles of rule of law and delivery of justice. The use of Sanskrit *shloka* also has its source in Indic imagery and its relation to the nationalist ideology. The inscriptions of justice as truth and as dharma, while suggesting a break from the colonial past, also gesture towards the future—for images of future tended to dominate nationalist imagery of the times, as we will see below, when we meet the figure of the mother and child.

#### 4.2 Justice through Memory: Portraits, Paintings and Mural in the Supreme Court

Imagery of justice is deployed to sanction law’s power. They also reflect varied relationship between art and adjudication. Sometimes such imagery depicts that justice may even go till the extent of overpowering law by challenging it, in case the law starts acting arbitrarily or abusively by the hands of state. Portraits and murals are the tools to such imagery. They may reflect the assimilation of law and justice at one time, whereas reflecting their conflict the other time. The discussion by Resnik and Curtis [62], of murals adorning the Mexican Supreme Court and acting as reminder of abusive use of state’s power are examples of the conflict of law and justice. The Supreme Court of India has few portraits and murals that imply different times, both ups and downs, which justice in India has undergone. Reflecting upon the contribution made by the study of judicial portraits to the socio-legal scholarship, Moran [45] has argued that such a study explores the relevancy of context upon meaning.

In the Indian Supreme Court, we encounter two full-length portraits hanging in the Courtroom No. 1, i.e., the CJI’s courtroom. One is the portrait of the first CJI Sir H. J. Kania (see Fig. 10), while other is of former CJI B. K. Mukherjea (see Fig. 10), who was the fourth CJI. Facing the bench, the portrait of Justice Mukherjea has decked the right side wall of the courtroom while Sir Kania’s portrait has adorned the left side. These portraits are definitely more than of just ornamental value to the judicial space, for they remind of the contribution of these judges in shaping up justice within this space to maintain its sanctity.



**Fig. 10** Full-length portraits of the first CJI H. J. Kania, fourth CJI B. K. Mukherjea, and, former SCI Judge H. R. Khanna that hang in the SCI's courtrooms [79]

Where Justice Kania's portrait acts as reminiscence of his being the first CJ of independent India by finding a place in the Federal Court, thus democratising justice, on the other hand, Justice Mukherjea's portrait recollects his contribution to preserve and value the 'seniority rule'<sup>20</sup> of the court and uphold rule of law. It is evident from two instances, one was his refusal of Nehru's offer to become the CJI after retirement of Patanjali Sastri in January 1954, superseding Justice Mahajan, and, the other was his landmark judgment in the *Ram Jawaya*<sup>21</sup> case. On the early offer of CJI post, he said that he would sooner resign than usurp the highest office before his turn. He assumed the CJI office only after the retirement of Justice Mahajan in December 1954. Senior Advocate of the Supreme Court, Fali Nariman, has termed him as the greatest judge, amongst the first judges of the SCI and has argued that he deserved to be appointed as the CJI [50].

There is another full-size portrait embellishing the wall of Court No. 2, of former Justice H. R. Khanna (see Fig. 10). It was unveiled in his former court, Court No. 2, where he sat as the first puisne judge in the year 1978 [13]. He was the only person with the honor to have his portrait put up in the Supreme Court during one's lifetime [2]. This portrait offers reminder of arbitrary use of state's legitimised power during emergency and true sense of independence of justice and freshens up the memory of how law diluted the judicial space in order to get the sanction of 'rule of

<sup>20</sup> There is a customary practice of appointing the senior-most judge, as per her experience at the SCI, as the CJI.

<sup>21</sup> *Ram Jawaya Kapoor v. State of Punjab*, AIR 1955 SC 549. It was held that our Constitution embodies only a separation-of-functions principle rather than the full separation-of-powers doctrine, and Indian democracy embodies a parliamentary form of government.

lawlessness'.<sup>22</sup>

It can be convincingly argued that it acts as a visual record of 'justice as struggle' infused into the legal architecture, though, unlike the expressive presentation of Orozco's mural in the Mexican Supreme Court. It helps to memorialise the internal legal history, through portraits, of the injustice done in and by the Supreme Court by pronouncing a pro-government judgment in *Habeas Corpus* case and thus delivering injustice in the garb of justice. It acts as an inspiration to the present and future judges to vow for constitutionalism and strive to uphold it by being in that space.

These portraits show the relationship between history, memory and law and can be argued to present, what Sarat and Kearns have called 'internal perspective' of law. A "perspective that would examine law for the way it uses and writes history as well as for the ways in which it also becomes a site of memory and commemoration" [70, p. 2]. The putting up of the portrait suggests significance of ornamental elements of legal architecture, as it was only after Justice Khanna's firmness to uphold justice by defying law's illegitimate behavior that his portrait was put in the Supreme Court.<sup>23</sup> These judicial portraits, while offering "an opportunity to examine the nature and role of visual culture in the formation of individual and institutional subjects" [45, p. 307], suggests that how values and virtues about law and justice in general and judge in particular is made public by State institutions.

Like portraits, paintings and murals also are an invaluable addition to the legal architecture. They may even present the attributes<sup>24</sup> of 'justice as struggle'. Mexican muralist José Clemente Orozco's murals on the second floor of the Mexican Supreme Court building present good examples [85]. Among them, one 1941 mural shows

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<sup>22</sup> It was Justice Khanna, who gave lone dissent in the *Habeas Corpus* case (*ADM Jabalpur v. Shivkant Shukla* AIR 1976 SC 1207) in the dark hours of emergency knowing that he might lose his CJI position as its repercussion. He told his sister the last night before delivering his judgment that 'I have prepared my judgment, which is going to cost me the Chief Justice-ship of India' [34]. Though, it did not have any effect on the final outcome of the case, as rest four judges, CJI Ray, Justices M.H. Beg, Y.V. Chandrachud and P.N. Bhagwati, of the Constitutional Bench gave their judgments in favour of the government by setting aside the contrary view taken by nine High Courts. On the other hand, Justice Khanna's lone dissent cost him his CJI post as after CJI Ray's retirement Justice Beg was appointed CJI instead of him being next in seniority to be the CJI [3].

<sup>23</sup> Senior Advocate of the Supreme Court Andhyarujina has argued that as Justice Khanna came to be held in great esteem by both the judiciary and the bar, his portrait was put up in the SC [3].

<sup>24</sup> One can look at the male 'Nail Figure' that is a wooden African figure in Kongo, described as Lord of Jurisprudence. It is full of nails symbolizing the burden and pain involved in judging that the figure carries on his chest. Few people have questioned its symbolism of justice because of its unpleasant look. Also, the Jacket and the Plaque kept in the County Court in the town of Grand Marais in Northern Minnesota represents an advocate's duty towards the society and indigent persons [60, pp. 181-183].

‘blindfolded Justice in a compromising position’<sup>25</sup> (see Fig. 11), a play on the conventional depictions of justice, which was liked by artists, but not by several Mexican Supreme Court Justices [60].

It is a play on conventional depictions of justice and serves well to describe justice as political propaganda [61]. The Justices got annoyed by it and demanded the mural be removed. The power of art in law can be ascertained by the fact that soon the Mexican Government commissioned U.S. Painter George Biddle to do more constructive set of murals. The result was that the mural symbolising ‘fertility of peace’ as contrasted with the ‘horror of war’ was installed there [60].



**Fig. 11** Orozco’s mural at the Mexican Supreme Court depicting ‘Blindfolded Justice in a compromising position’ [61]

There are three publicly visible paintings<sup>26</sup> and one mural in the SCI. The three paintings lie in the public corridors, while the mural lies between the two entrances from the judges wing while entering to the CJI’s court’. The mural thus is unavailable for the public view. This mural is made up of coloured porcelain marble tiles in different shades of white, yellow and green colours. It depicts Mahatma

<sup>25</sup> The mural shows two female images clearly recognizable as ‘justice’ as one of them possesses sword and the other a pair of scales among a disordered and unruly group of evils. But, unlike ‘lady justitia’ as an imposing woman at center stage, which is the familiar figure of justice all around globe, these ‘Justices’ are disconcerting. The one with the sword, elevated on a pedestal is lying back inattentively while her sword is dangling in the surroundings of disorder, whereas the other with a pair of scales, lying below, is a ‘masked’ Justice and is jostled as two similarly masked men attempt to grab her scales. The uneasy question that the mural throws at the viewer is that ‘whether they are common thieves, or judges and lawyers, as suggested by the bundles of papers they hold? It suggests the oblivion of the Justice lying above while the willful participation of the other in the melee [61].

<sup>26</sup> There are few other paintings as well that has not been discussed in this work. One can find them in the Judges’ gallery of the SCI.

Gandhi, the *Dharma Chakra* and Goddess of Justice, all within three different vertical rectangular forms and contained together in a horizontal rectangular form (see Fig. 12).



**Fig. 12** The Mural at the SCI depicting (from left to right) Mahatma Gandhi, *Dharma Chakra* and the Goddess of Justice [78]

The goddess (see Fig. 12) lies on the right side of the mural, facing left, wearing a crown and is clad in a *Saree* and jewelry, appearing as a *Devi* (goddess). Evoking Hindu mythology, former SCI judge M. Jagannadha Rao compares the figure with the deity of justice in the Vedic sutras [35]. The goddess of justice has held a balance with a pair of scales in her right hand grip raised to the level of her face, with her gaze at the balance. She has a law book in her left hand cradled near her waist, which Mr. Rao interprets as “the book of Dharma Shastra signifying the offer of total knowledge to one and all” [35, p. 88]. This is open to interpretation for the book may also signify the constitution of India.

The background is lined with law books against a semi-folded parchment paper depicting some old document. The figure of justice is not blindfolded. Her eyes are open and her gaze is upwards towards the scale of justice. Such allegorical image of justice reminds us of Jay’s argument that “the images of justice did not always cover the eyes of goddess Justitia” [29, p. 19]. Rao argues that her eyes are open because “according to the Vedic sutras, the deity of justice does not close its eyes but allows the graceful rays flowing from its eyes to illuminate the administration of justice” [35, p. 88].

There is plethora of other explanations for the open-eye of goddess of justice given by various scholars over a period of time [29]. These multiple interpretations of the personification of justice has its roots into the accessibility to courts by all, as Resnik and Curtis [62] argue that because everyone became entitled to access courts, there occurred conflicts as to whether and how to personify Justice and what 'she' should look like.

Mahatma Gandhi (see Fig. 12) has occupied the left side of the mural and he has been shown in his *Dandi March* posture with his long *lathi* in right hand. Considered as the father of nation, his figure symbolises the principles of peace, truth and non-violence through which he fought India's struggle for freedom and which are also the essentials of justice. "The agile rhythm of his fast advancing steps...and the firmness of his body...reveal a mind concentrated on the objective of his pursuit" [30, p. 251], which was to free India from British rule, while the *lathi* indicates his undying spirit to fulfill that objective.

Further, the two Charkhas (small wheels used for spinning cotton) below his figure, depicted as mirror image of each other, "symbolise our spirit of self-reliance", which again reflects a nationalistic imagery [35, p. 90]. Although Rao has argued that "the philosophy of the goddess and of the Mahatma have permeated the judgments of the SCI" [35, pp. 90-91], as it is of inspirational value to the judges whenever they see it.

Between the two figures of Goddess of Justice and Mahatma Gandhi lies the *Dharma Chakra* (wheel of justice), painted in maroon colour with 24 spokes at its center (see Fig. 12). This is a reproduction of the wheel that is on the abacus of the Sarnath Lion capital of Ashoka. Rao has argued that the wheel in Hinduism symbolises the cosmic concept of motion and progress, and the negation of static existence [35, p. 91]. This reflects a mono-religious model of interpretation of the mural that people of other faiths would not be able to relate to, thus suggesting that the elements of art of law present within state institution, i.e., judiciary, does not strive for equality of religions. Below this figure, there is an inscription in Sanskrit that reads 'Satyamevoddhaharamyam', meaning "Truth alone I uphold" [78, p. 67].

The rectangular form with the wheel of justice in it has the boundary made up of figure of six lotuses each at the horizontal top and the bottom, and, sixteen small

tiles of peacocks on the vertical left and right of it. It has been argued, quoting Dr. S. Radhakrishnan, India's former President and an Academic, that "the lotuses remind us of the flower that rises from mud and dust, symbolising the nations that are oppressed today by political, economic and racial bondage, thriving to blossom into perfection" [35, p. 91]. It has further been argued "the peacocks signify the need for reverence of nature and the environment and the beauty of creation" [35, p. 91]. This reading however ignores that the lotus is the national flower and the peacock is the national bird of India—and the artists' imagination could equally be inflected by a nationalist imagery of the times.

The three paintings that lie in the public corridors are from the private collection of Mr. Rajan Jayakar. As one walks past the CJI court towards Court No. 4 and takes a left, the painting entitled 'Jungle Justice' is hanging on the wall on the left side, painted by Jai Prakash in June 2014 at New Delhi. It has references to Circuit court and judicial officers who were required to tour their district for dispensing justice. It shows two Indian Magistrates, hearing the case of an accused presented before them, while another accused is being held by a group of men in a corner. Behind the English and Indian officers is a group consisting village elites, who are either complainants or have come to witness the proceedings. This painting showcases the colonial presence in the Indian Judicial system and uncovers colonial legal history of India. It reflects justice as 'colonially regulated' and 'elitist', thereby demonstrating an undemocratic nature of judicial space in India during colonial times.

Moving further, and taking a right turn and looking at the wall on the right hand side, one would find another painting, entitled 'Colonial-Period Magistrate'. Picturing a Magistrate of colonial India, it depicts a magistrate on horseback, telling his subordinate to pay special attention to the convicts undergoing hard labour. The convicts have their legs chained by iron fetters. This suggests the inhuman nature of treatment meted out to the convicts and the surveillance under which they were kept. The painting also reveals what Singha has characterised as the despotism of colonial law, a despotic rule based on universalistic and rational principles [72].

There is another painting hanging on a wall, as one goes downstairs through the staircase present on the first floor of the left wing. It exhibits a scene from the early 19<sup>th</sup> century, and is entitled 'Hall of Justice'. It presumably shows a court from the 19<sup>th</sup> century. It is a brick building having its top as a tomb like structure, with

staircase, and, located in a village surrounded by trees. This building has also been ascended from ground through the staircase, suggesting that the ascension of courts has been an important architectural aspect of monumentalising justice. No one has been shown to be in the court. There are three men conversing with each other while two men are watching them, all of them being natives. They are in traditional Indian dresses of *Kurta* and *Dhoti*. This visual history, arguably, tell us of the exclusivity of judicial place and thereby denial of access to justice to the natives.

Thus, it can be argued that the portraits, mural and paintings act as tools to revive the memories and think of justice in its different capacities and forms through them. These ornamental features, as Halдар [24] argues, captivate the audience and enhance their pleasure thus increasing their attention and readiness to believe; believing in the judicial space that it will impart justice. This is why he has further argued that the semiotic, liturgical and ornamental features within judicial space has rhetorical power to persuade, to seduce us into believing that justice is inevitable and immediate within this space, thus assimilating justice to law. Thus, all these logo, statues, inscriptions, portraits and murals, even though they are neither ‘law’ nor ‘architecture’, act as integral part of legal architecture. They emphasise the significance of symbols through ‘law as art’ in the representation of judiciary, law and justice [46].

#### 4.3 Sculpting the Child, Mother and Father: Statues in the Supreme Court

The Supreme Court has two statues; one is the ‘Mother and Child’ statue (see Fig. 13), whereas the other is the Gandhi statue (see Fig. 13). The former has been placed at the center of the park, in the lawn of the SCI, whereas the later has been put in front of the staircase of the Supreme Court building in the front lawn. The Gandhi statue is facing the SCI building thus indicating that the proceedings of the SCI are under the shadow of Mahatma Gandhi and are functioning on the basis of principles of truth and non-violence, thus reflecting the virtuous nature of justice.



**Fig. 13** Statue of Mother and Child in the SCI compound, with a closer look; Mahatma Gandhi statue in the front lawn of the SCI premises [77]

The ‘Mother and Child’ statue is a black bronze sculpture of 210 centimeters height and had been installed in the SCI premises on February 20, 1978 [77]. A renowned artist, Chintamani Kar, has made the sculpture. While submitting his maquette in the year 1969, Kar has described the statue as: “Mother India sheltering young Republic represented by the symbol of a child upholding the law of the country shown in the form of an open book, with the symbol of the balance representing law and justice” [56]. The information on the SCI’s website, though states otherwise, that the balance represents “dispensation of equal justice to all” [77, p. 42], thereby negating the symbolic representation of ‘law’ by scales.

The statue, when it was being put in the SCI premises, led to protests by advocates of the SCI in 1978, who asked for the removal of the statue [56]. The lawyers protested by submitting a memorandum to the then law minister Shanti Bhushan, which stated that “the statue is supposedly a symbol and inspiration for the highest institution of justice, the Supreme Court...The child is nondescript, but the mother’s resemblance to Mrs. Indira Gandhi is discernible even to the ordinary eye not trained for appreciating the nuances of sculpture” [56]. As the statue was put in the year 1978, the post-emergency period of India, they contended that it is symbolic of perversity and is based on the theme of mother-and-son cult built up during the Emergency period. Different interpretations of the statue came from advocates, where one said that ‘it’s like Indira mothering the judges and telling them you practice

justice like I tell you to'<sup>27</sup>, while other said that 'symbolising justice is terribly conservative as justice is constantly changing' [56]. Later on, though the advocates submitted an apology memorandum after they got to know that the maquette was made in 1969 itself.

The Gandhi statue in front of the grand staircase is a very beautiful and unique statue, as it shows a pensive Gandhi sitting with folded legs with his hands on the legs. His eyes seem to be closed and face looking little downward. The statue is black in color, surrounded by trees and reflects subtle calmness of Mahatma. It symbolises truth and non-violence, the principles followed by him while fighting for India's independence. It appeals the public to follow the same principles by approaching the courts of law, which vow to stand for truth and non-violence through rule of law.

The presence of the Gandhi statue and the absence of any religious<sup>28</sup> statues or monuments, suggest a civilizational imagination that is often sourced from the nationalistic imagery. Contextualising the inception of the SCI in the post-independence era as a symbol of having our own national apex Court, one can understand the significance of nationalist imagery that needed to be infused in built environment. Such visuality suggests a break from the colonial past through an independence movement. These statues also reveal law's affinity with art so as to present the values and virtues of law and justice to the public.

## **5. Courtrooms of the SCI and their Internal Architecture: Observing the CJI's Court**

The judicial space is the most significant part of legal architecture, for the reason that all the theatricality with respect to trials or proceedings runs within it [5]. It forms "an intrinsic part of the enactment of justice being done and being seen to be done" [66, p. 109]. The significance of judicial space also lies in the fact that its ornamental, oratorical and architectural features lead to semiotics of law within courtroom space [15, 25, 87]. Rowden [66] has argued that judicial space is not a

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<sup>27</sup> This interpretation can be said to be the result of the *Habeas Corpus* case, (*ADM Jabalpur v. Shivkant Shukla* AIR 1976 SC 1207) where the SCI pronounced the pro-government judgment with 4:1 majority.

<sup>28</sup> Kannabiran [33] has also argued regarding the placing of a Manu statue in the precincts of the Rajasthan High Court and the controversy around it that whether statues have only decorative value or do they also symbolise and represent something.

transparent space and its 'form' does impact either the process or outcome of the adjudication that takes place within it. Thus, analysing the 'things of boundaries' [69] of the judicial space will tell us about their contribution towards a 'nuanced understanding of the trial' [48], production and reinforcement of national [60], personal and social identities, as well as socio-political relations [47] of users of that space.

Courtrooms in the Supreme Court building have various internal architectural and semiotic features that reflect the 'ideologies of justice' [15]. Be it the three-level entry-system to enter the courtrooms, or the specific spatial arrangement within them (see Fig. 14) that consists of the judge's seat on a raised platform, special chairs for judges, tables in the well of the courtroom along with few chairs for the court officials, special chairs dedicated to Press reporters near the Judges' Bench, long tables and few rows of chairs for the advocates and negligible space in the form of 'public gallery' for the litigants and general public. All the courtrooms are centrally air-conditioned, carpeted and the sidewalls are paneled in timber, thus giving a royal look. Ceilings of the courtrooms have been treated acoustically to avoid resonance, thereby reflecting the significance of sound in courts, as "both in and out of the courtroom...the use and abuse of sound is capable of having real, determinate and potentially severe consequences" [53, p. 967].

The instruments like bulbs or tube lights used for lighting purposes in the courtrooms are not visible, and only the white light is visible that appears like natural light, even though there is no source for the natural light to pierce the walls of the courtrooms. Such appearance of natural light can be argued to be infusing belief of, what Halder [24] argues, 'purity of justice', as he has argued of natural light being a symbol of purity of justice. Supreme court of Israel's whole building makes use of natural light instead of street lamps which are present within the premises [23], which makes visitors feel that s/he has not left the outside but has merely chanced upon another street.

The entrance of the courtroom has a gate with very heavy and giant curtain that usually greets visitors, specially the rare ones, with surprise of confusion through entanglement. There are separate entrances for visitors and advocates. With respect to the CJI's courtroom, entry through visitors' gate takes one directly into the public gallery, the place fixed for them. There are stacks of law books kept in the

courtrooms, either on open shelves or in transparent cupboards, which on the one hand suggests that justice is derived from law, where on the other hand it also speaks of the restricted and legitimised version of justice that cannot go beyond law.



**Fig. 14** The CJI's Courtroom (Court No. 1) with press chairs on the front-left (near justices' bench) and the public galleries at the back (far from the judges' bench) [11]

The chairs' roles in the courts are significant. As the time passed, the chairs for the justices got improved and got more ornamented (see Fig. 14), and, the SCI's Justices' chairs received most elaborate ornamentation and appear to have "throne-like quality" [39, p. 10]. Spaulding [73] has elaborately discussed the hierarchy in chairs and their ornamentations with respect to the position of the magistrates, and, his detailing of Chief Magistrate's chair seems to be matching with the SCI's Justices' chairs. Facility of chairs in the public gallery, on other hand, suggests that the public participation is not communal, but rather, public is participating as competitive and self-interested individuals [16].

One can see the close proximity of clerks or court officers' desks with judges' bench, separation of advocates' seats from the public, public gallery enclosed by wooden panels, and, a separate seating arrangement dedicated to 'Press' close to Justices' bench with distinct chairs for their help. These are the features followed even in the courtrooms of USA and UK since the end of the Eighteenth century [37, 40]. They suggest the universal nature of law's maintenance of space-power dynamics within judicial spaces. The absence of dock within this court suggests that the SCI has

no power of trial, and, cross-examination does not take place here.

There are few chairs, inside CJI's court, attached with wooden writing desks that are provided to the Press reporters (see Fig. 14). They are on the left side, just near the desks from where advocates argue their cases and in a close vicinity to the judges' Bench. It reflects, what Masterman has said, "the relationship between legal institutions and the press in a liberal democracy" [38, p. 275]. Such special attention can also be attributed to the significant role played by the Press in a democracy acting as its fourth pillar, as it is responsible for dissemination of correct information to the public thus also being involved in creating public perceptions of the judiciary to a large extent. Another reason for such affinity can be the nature of reporting by the press reporters that sometimes focuses on only the outcomes of cases instead of the underlying reasoning, thus leading to poor reflection on both the reader and the court system [9].

Further, the images of the courtrooms also suggest that even the litigant is assigned constrained space within the courtroom, as judges and lawyers use majority of the space. Advocates, sometimes, occupy even the public gallery meant for the visitors. Such spatial courtroom arrangement reminds of Mulcahy [48], of her observation in the court of King's Bench, where the courtroom arrangements had created four categories of user. "The judiciary on the raised platform is clearly accorded the highest status, followed by the numerous court officials who occupy the center of the court, the litigants and their lawyers occupy the third tier and spectators are kept at the margins of proceedings by the outer bar" [48, pp. 40-41]. This also reveals the political management of courtroom space [51]. Thus, it can be argued that specified visible places for different users of courtrooms, be it the judges, lawyers, litigants and general public, press reporters, clerks and court officers, have been fixed in furniture within the judicial space [16].

## **6. Epilogue**

Courtroom designs suggest law's dependency on rhetoric that is manifested in the physical architecture of law [24]. Further, courtrooms also deploy "symbolism in efforts to shape norms" [64, p. 515]. Thus, looking at these architectural and semiotic anecdotes of the SCI's building, I would argue that law, power and justice are adjoined perhaps in these anecdotes, thereby framing and organising the physical

space of the court. The visual elements that I have observed in the SCI, their historical narratives and their different symbolic interpretations, reflect a break from the colonial past and an infusion of the nationalistic imagery.

Another significant observation that can be made is of the absence of any visual feature reflecting justice in the form of struggle or depicting the negative phases that the SCI has undergone. This suggests the absence of critical perspective of delivery of justice in the legal architecture of the Court. It, thus, becomes imperative to state here that,

“Our visual traditions of justice have their political roots in states that were hierarchical, non-democratic, and tolerant of profound inequalities. It is therefore not surprising that the icons of justice signal little about access to justice or about rights-seeking. A more complex question is why, with the rise of democracy, so much about the pain and conflict entailed in imposing justice was washed out” [60, p. 178].

The present visual elements in the SCI suggests that they have been commissioned by the state agencies only, which have ignored the pain and struggle that the court has suffered and put forth in delivering justice, thereby ignoring the vexed relationship between law and justice. The court premises is also absent of any statue or portrait of our Constitution-drafters, especially Dr. B. R. Ambedkar, the tall figure behind the making of India’s Constitution. Also, there are no symbols that reflect subaltern narratives of the court or of social justice that has been attempted/ denied by the court.

Through this paper, I have endeavored to bring forth the visual cultures present within law and legal institutions as a subject of research to critically understand the underlying objectives of manifestation of rhetoric and symbolism in the physical architecture of law. By this study of SCI through the lens of ‘law as an art’, I submit that the legal architecture is but a significant aspect of study of law and justice to better understand the politics of power-space that plays out within the judicial space.

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