

Building Better Courts

Surveying the Infrastructure of District Courts

JULY, 2019

BIHAR



Getting
There
—
Navigation
—
Waiting
Area
—
Hygiene
—
Barrier-
Free
Access
—
Case
Display
—
Amenities
—
Security
—
Website

VIDHI Centre for
Legal Policy

JALDI Justice, Access &
Lowering Delays in India

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About the Project

The lower judiciary is the first point of contact for most litigants in India today. A user-friendly court equipped with all necessary facilities lies at the core of accessibility to the judicial system. Public discourse has conventionally centred around the issue of legal accessibility, asking whether individuals are able to consider litigation as a forum for resolution in the first place. This project seeks to start a conversation around other equally important aspects of court access, namely, the physical and digital architecture of the lower judiciary.

In 2012, the National Courts Management Systems Committee (NCMS) put out a baseline report on the Court Development Planning System, which, for the first time in India, identified benchmarks to ensure that courtrooms are designed so as to be litigant-friendly. We used these same benchmarks to study 665 district court complexes all over India as part of a comprehensive assessment of the preparedness of our lower courts for litigants.

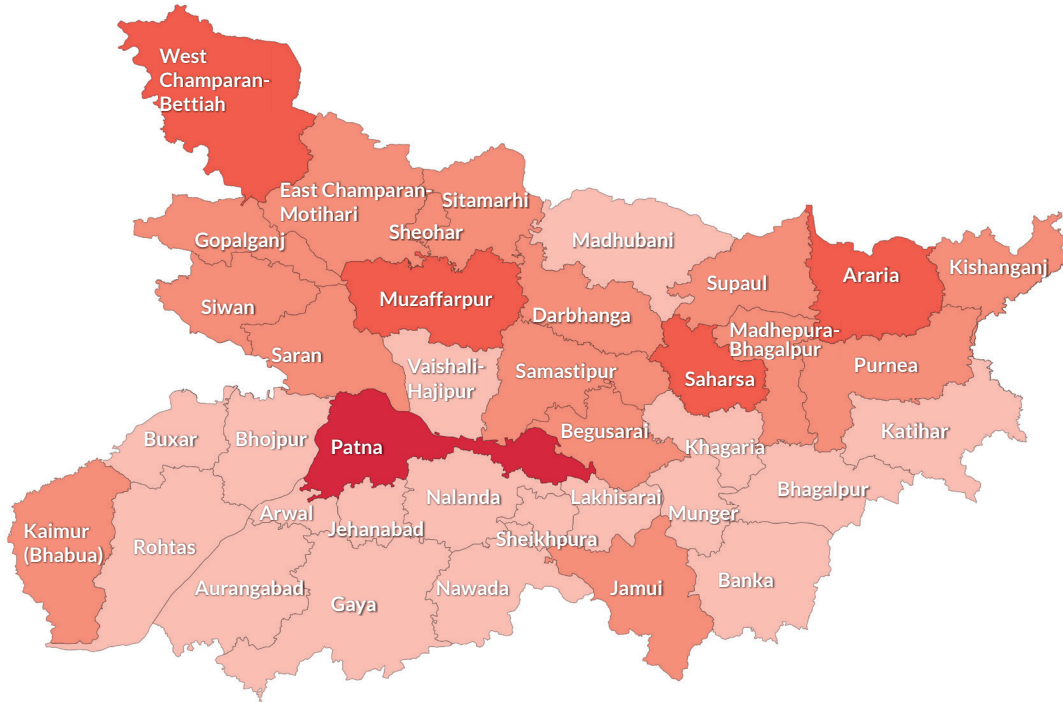
This report will be an important tool for the judiciary and policymakers to understand the functioning of courts under their jurisdiction. The data in this report will facilitate more informed conversations among relevant stakeholders, and ultimately, help us build better courts.

Acknowledgements

This report is an independent, non-commissioned work conceived at the Vidhi Centre for Legal Policy. A large team worked to make this report happen. Amrita Pillai and Raunaq Chandrashekar (authors of *Status of Physical Infrastructure in Lower Judiciary*, April 2018) designed the preliminary survey questions, and anchored the data gathering and collation in the initial stages of this project, under the guidance of Neha Singhal. Udit Bhandari, Ravendra Singh, Adarsh Sachan, Bhupendra Negi, Deewakar Srivastava, Rahul Singh, and the team at Vimarsh Development Solutions Pvt. Ltd., coordinated the data collection across the country. Ronak Sutaria, Sachin Oze, Namita Mohandas and the team at UrbanSciences assisted in developing the project, and worked on data analysis and visualisation. How India Lives helped design the print layout of the report. Vidhi interns Aakansha Saraf, Pallavi Khatri and Mugdha Mohapatra assisted in some of the research. Finally, the authors would like to thank Tata Trusts for their support towards the Vidhi-Tata Trusts Fellowship, under which fellows work on the Justice, Access, and Lowering Delays in India (JALDI) project.

State Map | Bihar

SCORE ■ 0% - 20% ■ 21% - 40% ■ 41% - 60% ■ 61% - 80% ■ 81% - 100%



The performance of each district court complex is based on an equal weightage of nine parameters relevant to court infrastructure, i.e., getting there, navigation, waiting area, hygiene, barrier-free access, case display, amenities, security, and website. The darker the shade of a district on the map, the better is the aggregate performance of its district court complex, and vice versa. The overview section at the end of the report offers a detailed parameter-wise breakdown of the performance of each district court complex.

State Snapshot

38 district court complexes in Bihar were surveyed. According to Court News on 31.12.2017, the state has a sanctioned strength of 1828 judges, working strength of 993 judges, with 46% vacancy. As per the National Judicial Data Grid accessed on 18.09.2018, the number of cases pending in the state's lower judiciary was 17,53,625.



COURTS
38



CASE PENDENCY
1,753,625



JUDGES
993



JUDGE VACANCY
835

Methodology

The 2012 National Courts Management Systems Committee (NCMS) report offered a three-pronged system to think about court infrastructure, by focusing on physical, digital, and human aspects of court functioning. The present report uses the same system, but narrows its focus to two out of the three aspects identified by NCMS. For reference and context, this report also offers basic information about judicial vacancies and case pendency in the state.

TOOLS AND SOURCES: OBJECTIVE SURVEY

A survey was undertaken between May and August 2018 by field researchers across 36 states and union territories in India, on various aspects of accessibility, security, public convenience and amenities within the court complex. A total of 665 district court complexes in India were studied. The survey was conducted using a questionnaire comprising over 100 objective questions, which, in turn, was based on the guidelines prescribed by the 2012 NCMS report. The primary data thus collected was verified for randomly-selected districts by the coordinators handling the data collectors, as part of appropriate checks on data quality.

This report presents results from this survey of 100+ questions. The questionnaire attempts to cover all aspects of a court complex that a litigant encounters, from the time of entry into the court, to engaging with court and security staff, to gathering details about cases.

USER FEEDBACK: LITIGANT INTERVIEWS

The objective survey of 665 district court complexes was supplemented by interviews with 6650 litigants (10 from each district court complex, selected randomly on-site) to take stock of the conditions of the available facilities, as well as to gather feedback on the ways in which the user experience of visiting the court complex could be improved. Litigants were interviewed about all identifiable aspects of interactions with physical and digital court infrastructure. After the interviews were completed, the data was verified by personally contacting a random selection of approximately 2-3% litigants from every state over the phone.

The parameters assessed in the interview ranged from how easy it was to get to, and navigate, the court complex, to the awareness of the availability of various facilities and services within the court complex. On certain aspects of the user experience, such as, facilities in the waiting area, litigants were also asked to specifically identify suggestions for improving the infrastructure of the court complex.

COURT WEBSITES

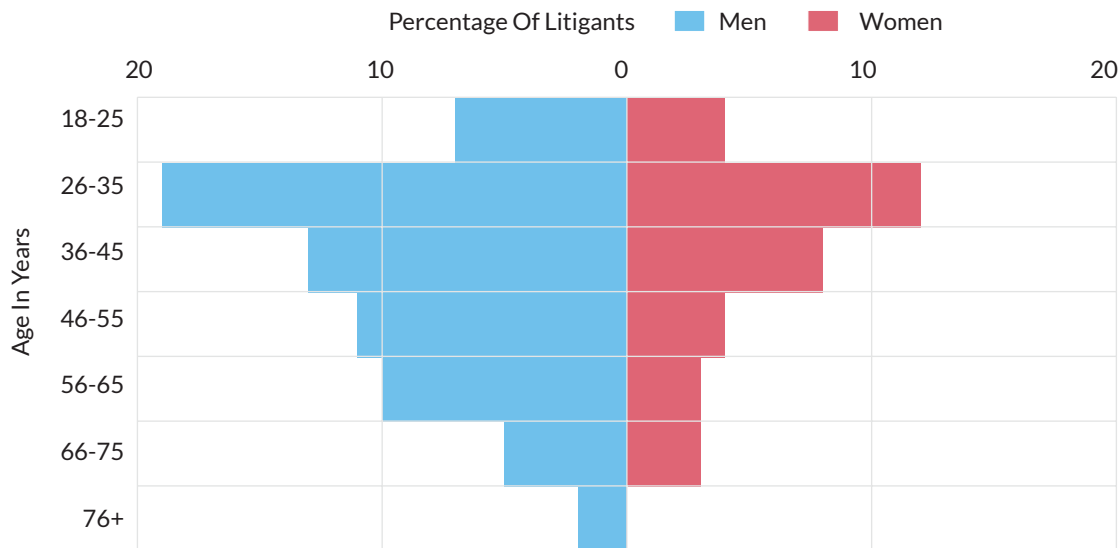
The website of every district court complex surveyed, was separately studied on eight pre-identified parameters (based on the 2012 NCMS report), to assess whether the website was informative and user-friendly.

Litigant Profile



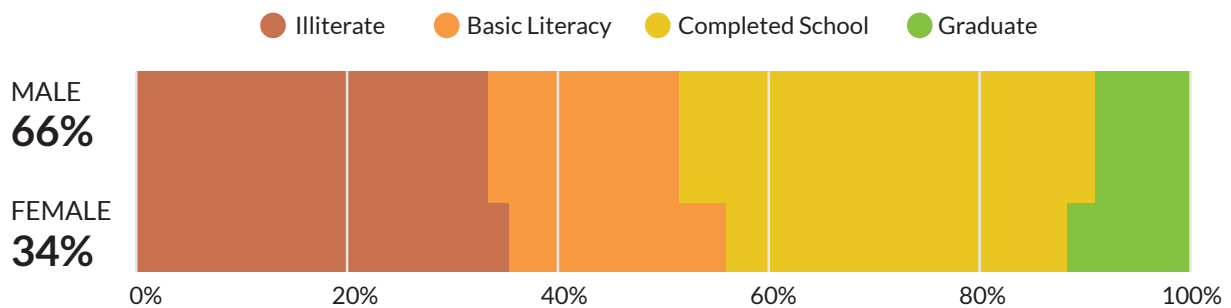
AGE & GENDER DISTRIBUTION OF LITIGANTS INTERVIEWED

Of the litigants interviewed, men and women between 26-35 years formed the bulk of the respondents.

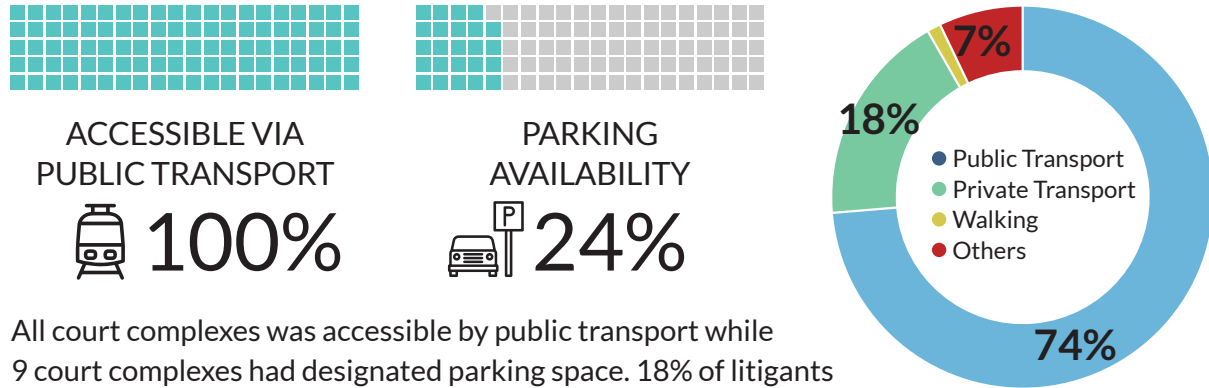


EDUCATION LEVELS OF LITIGANTS INTERVIEWED

Of the litigants interviewed, the majority (37%) consisted of those who had completed schooling while the number of litigants who were graduates were the least (10%).

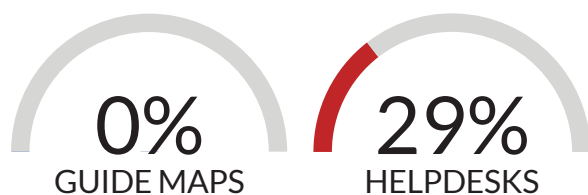


Getting There | How easy is it to reach the court complex?

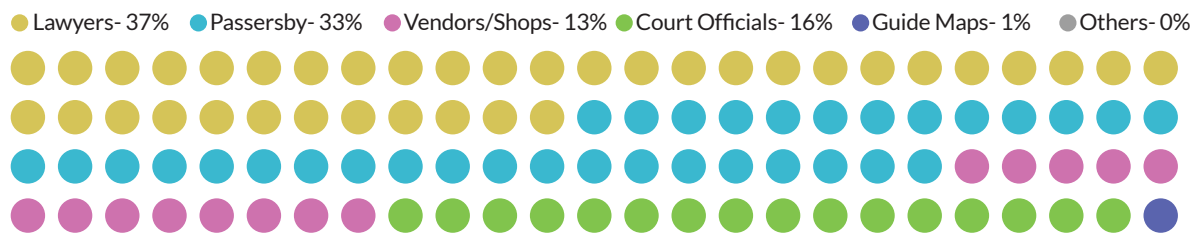


All court complexes were accessible by public transport while 9 court complexes had designated parking space. 18% of litigants interviewed reached the court complex using private transport while 74% used public transport. 7% used other modes of transport and 1% of litigants walked to court. Modes of public transport include trains, metro, rail, auto- or cycle-rickshaws, buses, or taxis, and private vehicles include vehicles owned by friends, relatives, or lawyers.

Navigation | How easy is it to move within the court complex?

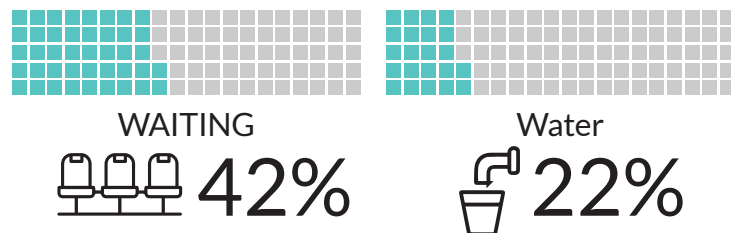


An easily navigable court complex is one that has guide maps and help desks on all floors. Our data shows that none of the court complexes had guide maps. 11 court complexes had help desks to help persons navigate easily.



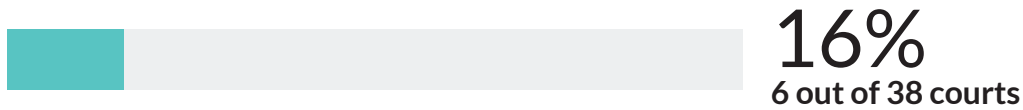
LITIGANTS' SUGGESTIONS FOR BETTER SIGNAGE

Litigants mostly asked lawyers or passersby for finding their way within the court complex. Litigants said better signages for waiting areas and drinking water facility would aid navigation within the court complex.

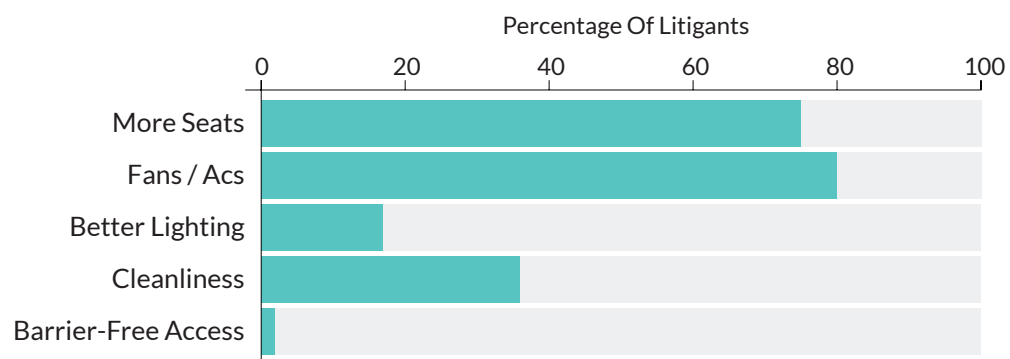


Waiting Area | Are there well-equipped waiting areas?

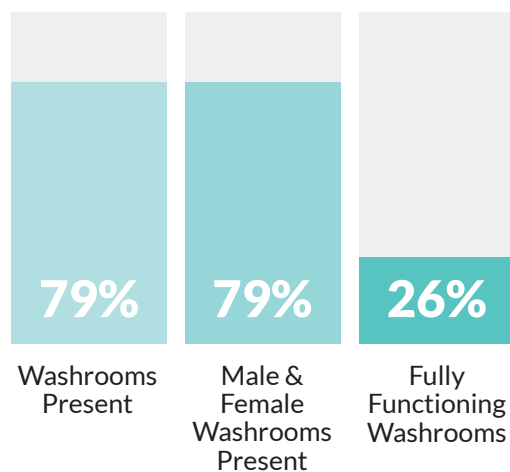
In Bihar, 6 out of 38 court complexes were equipped with waiting areas. Litigants said waiting areas were especially deficient in ventilation and seating. 2% litigants felt that waiting areas should be improved for persons with disabilities.



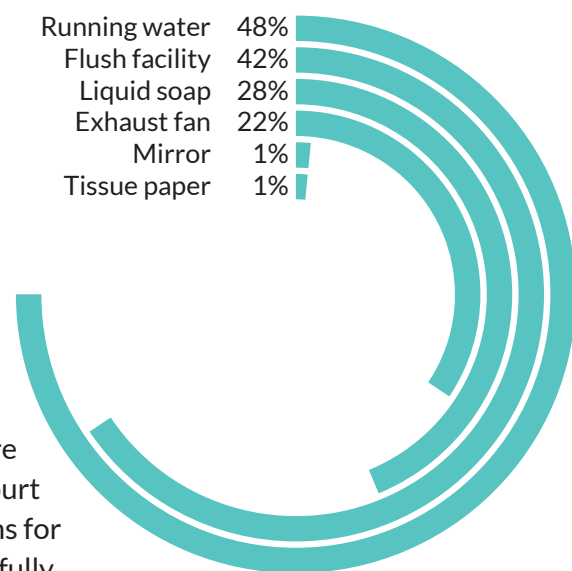
LITIGANTS' SUGGESTIONS TO IMPROVE THE WAITING AREA



Hygiene | Are there clean, fully functioning washrooms?

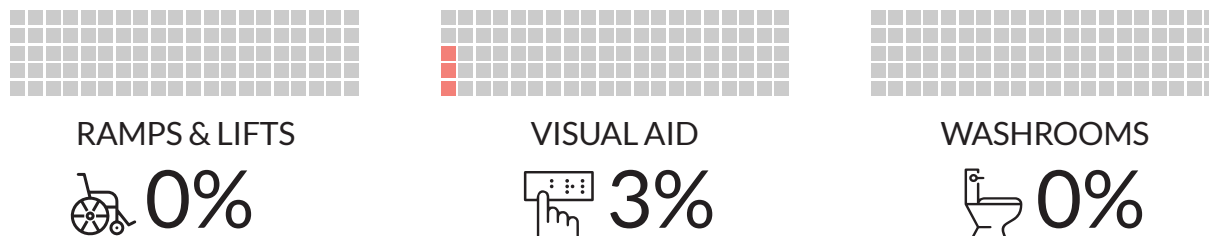


LITIGANTS' SUGGESTIONS TO IMPROVE HYGIENE



Fully functioning washrooms are those which are regularly cleaned and have running water. 30 court complexes had washrooms, including washrooms for women. However, only 10 court complexes had fully functioning washrooms. Lack of running water and flush facility was a concern for most litigants.

Barrier-Free Access | How inclusive is the court complex?

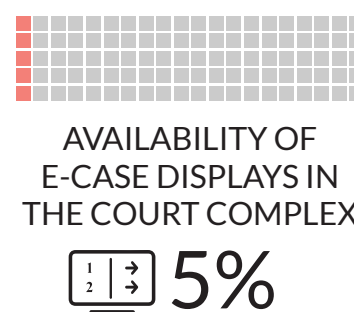
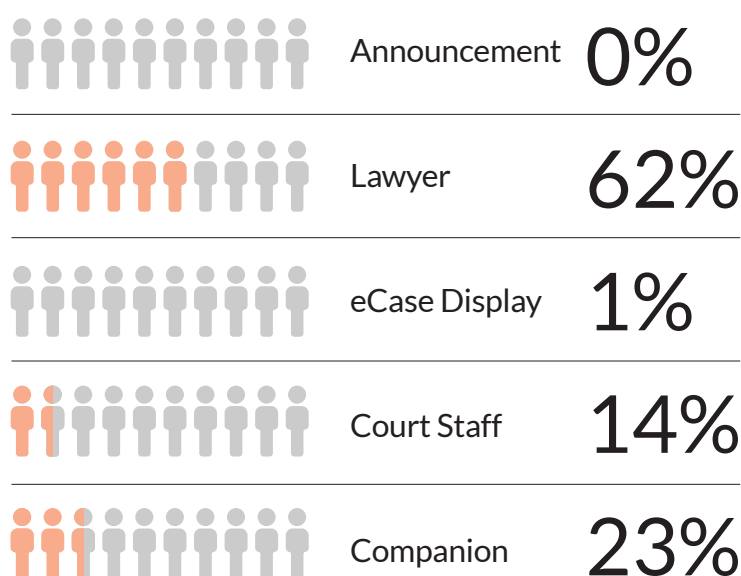


None of the court complexes were accessible to wheelchair-bound persons who require ramps/ lifts for entry and access to higher floors. Further, only the district court complex in Patna had braille notices or tactile pavements for visually challenged persons. None of the court complexes had washrooms for persons with disabilities.

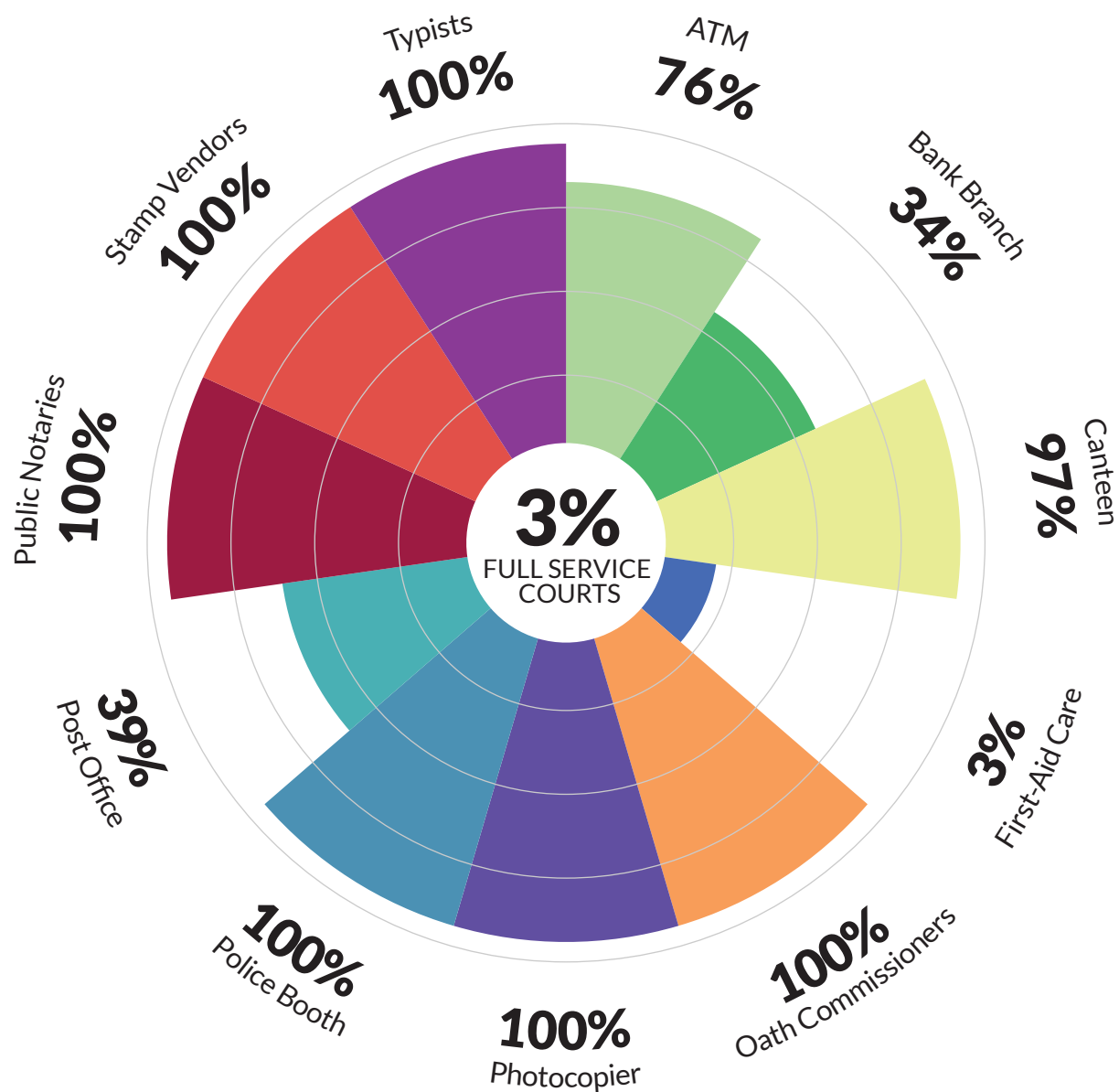
Case Display | How are litigants notified of their cases?

The eCase Display Board (an electronic display of court and case numbers) helps visitors to a court complex identify which cases are being currently heard in which courtroom, and hence, should be placed both in the main building, as well as in all waiting areas of the court complex. Only 2 court complexes met this requirement.

LITIGANTS WERE NOTIFIED OF THEIR CASE VIA

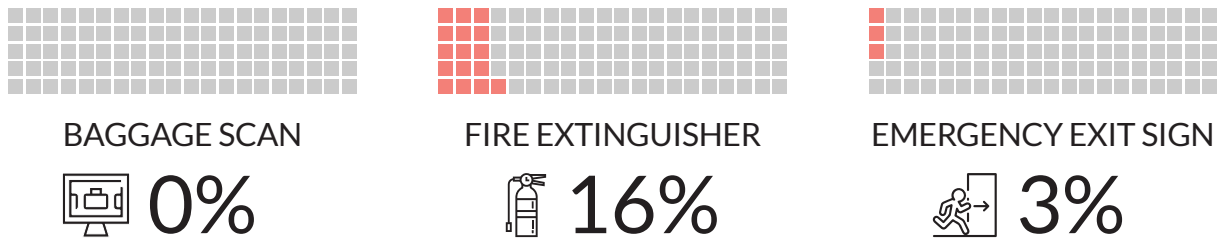


Amenities | What services are available in the court complex?



Facilities such as notaries, canteens, bank-branches, automated teller machines (ATMs) and photocopiers, significantly improve the functionality of a court. Only 1 court complex was a full-service court, i.e., all amenities were present.

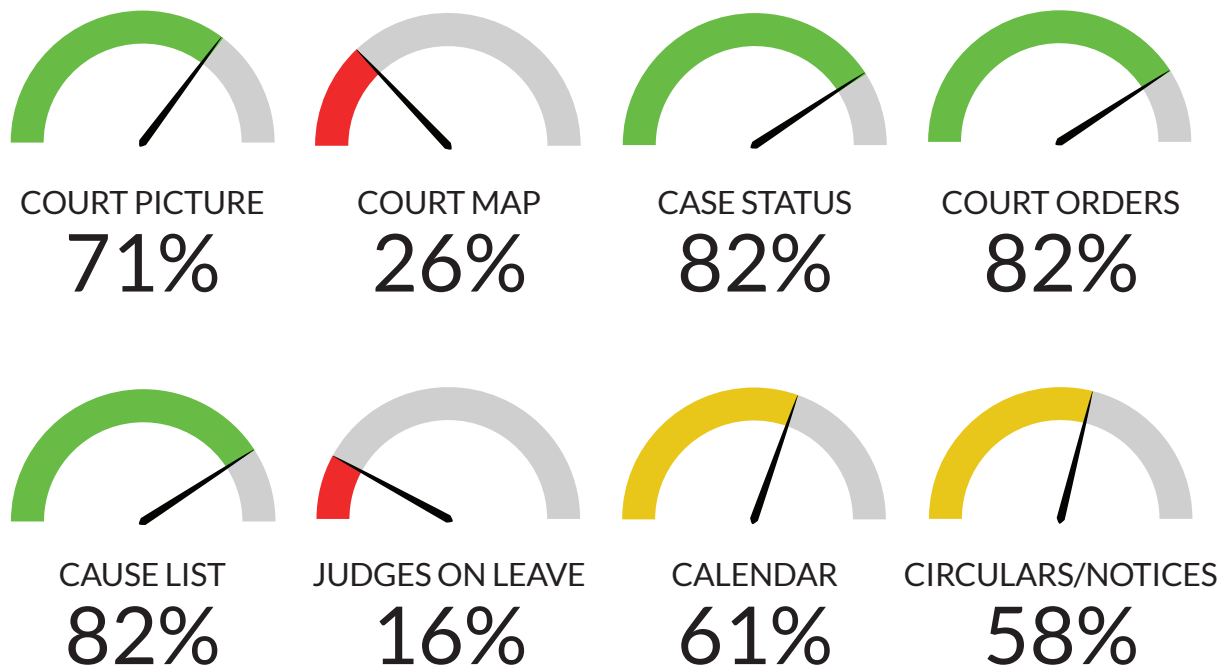
Security | Is the court complex secure?



None of the court complexes had fully functioning baggage scan facilities. 6 court complexes had fire extinguishers and 37 court complexes did not have emergency exit signages.

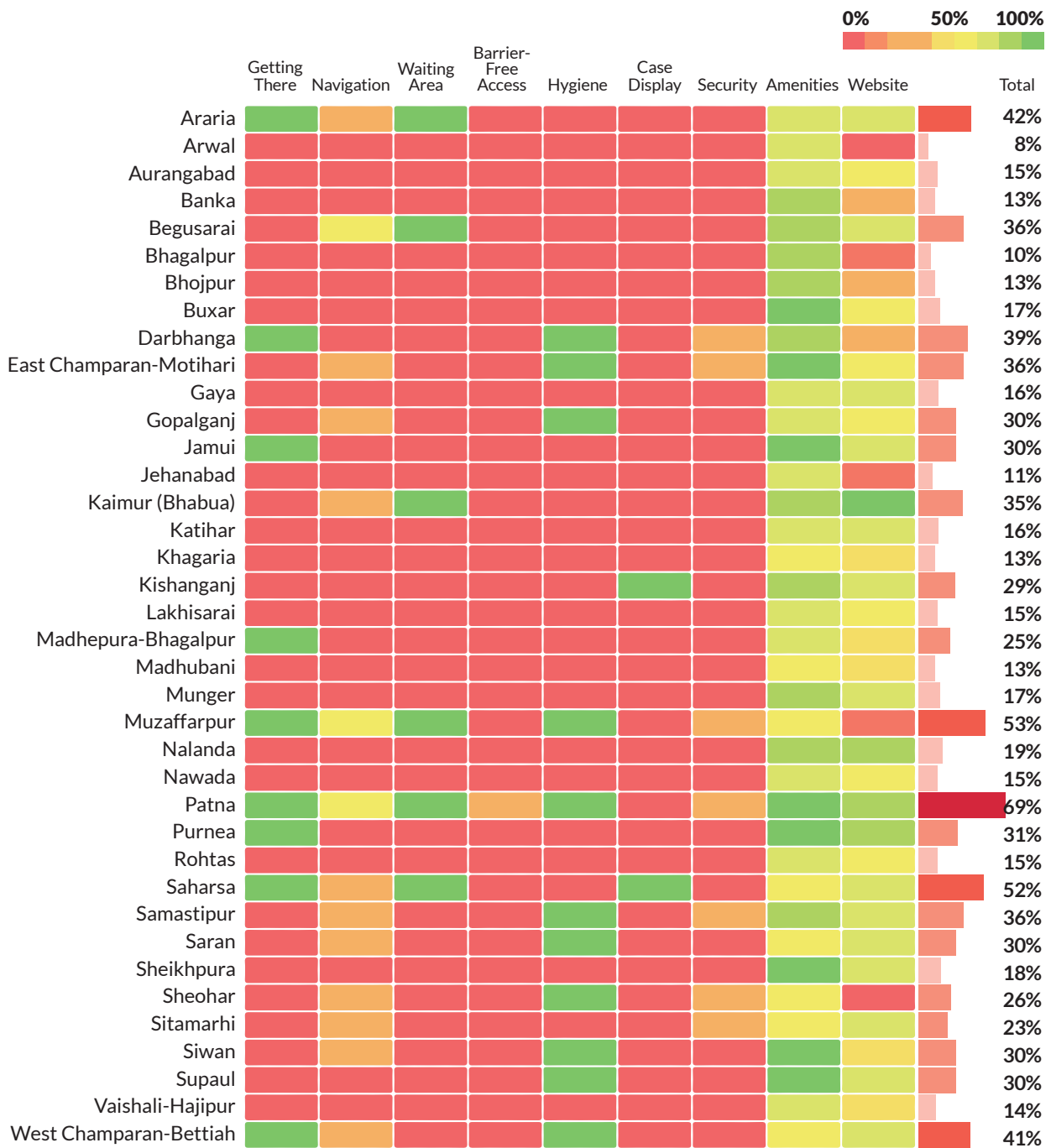
Website | Is the court website informative and useful?

For litigants and lawyers accessing individual court complexes, the court websites should have basic information relating to that court, such as the names of judges on leave, the court's working calendar, an identifiable photograph of the court complex, and so on. The availability of essential information on the websites of the court complexes in the state was verified on 15.06.2018 and 18.06.2018



Overview | Comparison of each district against each reporting parameter

Each district court complex was assessed on its performance across nine parameters represented in the previous pages. Each parameter has been assigned an equal weightage to compute the total percentage score and overall performance for every district court complex. The district court complex of Patna is the best performing in Bihar. The district court complex that needs the most improvement in court infrastructure is Arwal. The last column indicates the total score of the district court complex based on its overall score, which is also represented by the state map.



About Us

This report has been authored by Sumathi Chandrashekar (Associate Fellow), Reshma Sekhar and Diksha Sanyal (Research Fellows). This study is a part of the Justice, Access, and Lowering Delays in India (JALDI) project, supported by Tata Trusts, which is a multi-year project that aims to advocate for and implement evidence-based reforms to eliminate the existing backlog in Indian courts, and ensure that they are disposed within reasonable timelines. The JALDI project is a part of the Vidhi Centre for Legal Policy, an independent legal think-tank doing legal research to make better laws and improve governance for public good. For more information, see www.vidhilegalpolicy.in

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Contact Us

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