

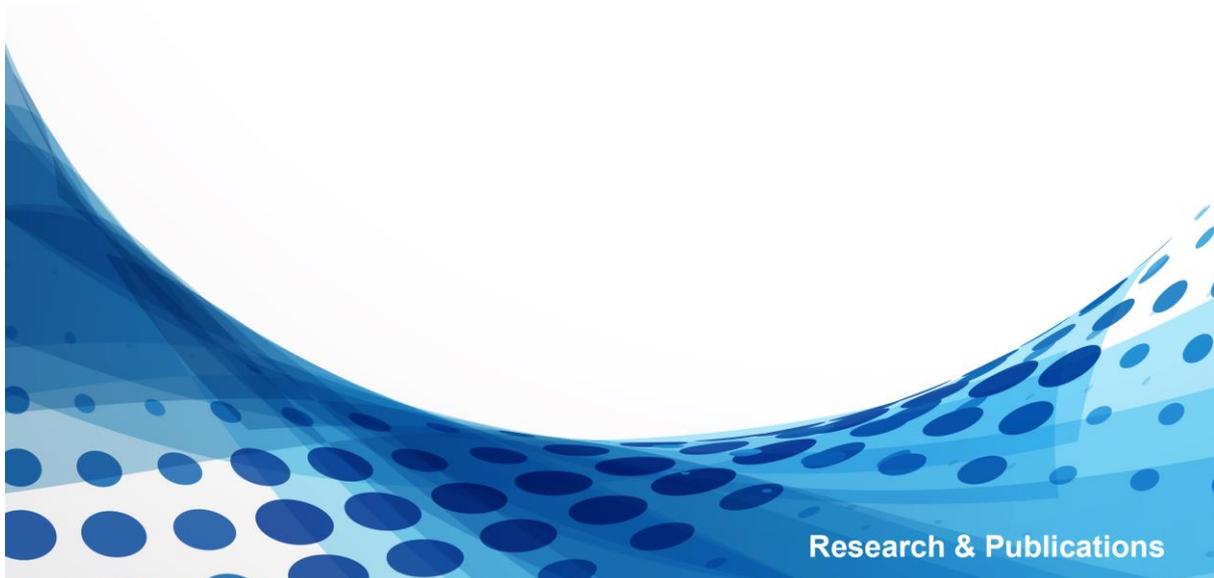


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Public perception of courts in India: unmeasured gap between the justice system and its beneficiaries

Ram Mohan, M P^a, Muhammed Faisal K^b, Jacob P Alex^c & Shiju M V^d

Abstract: Understanding how people view the courts and the legal profession helps in identifying some areas of friction, and thereby provides critical insights into the measures needed to improve the working and management of the justice delivery process. This study examines the influence of gender, age, education and court experience on citizens' perception of the Ernakulam District and Sessions Court, Kerala – a state with the highest social indicators in India. Using a total sample of two hundred and fifty (n=250) respondents, the study assessed perception of the court using three attitudinal scales, perception of the court's concern and respect, fair procedure and outcome, and overall perception of the court. A multivariate regression analysis was used to gauge the significance of the influence of each demographic factor and court experience on the respondents' perception of the court. We find respondents with personal experience in courts perceive it negatively; gender has no significant influence on attitudes toward the court; and regardless of their demographic characteristics and court experience, people perceive the court as being too costly and too slow for settling legal disputes.

Keywords: Court; access to justice; public perception; management of justice delivery

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We look forward to receiving comments to improve the paper. Please reach out to (mprmohan@iima.ac.in)

I. Introduction

The judicial branch of government, though independent from the elected legislature requires a substantial amount of goodwill in order to make and implement decisions which can run counter to the general political will (Gibson, Caldeira, & Baird, 1998, p. 343). Perceptions of legitimacy and public support, thus, cement the power of courts (Krewson, 2019; Texas Judicial Branch, 1998). In a democracy, dissatisfaction with the delivery of justice not only reduces support for the judicial branch but undermines the state apparatus as a whole (Walle & Raine, 2008, p. 4). The public perception of courts is particularly important in post-colonial democracies where the laws which bind citizens have not evolved from the societies they govern, rather, they've been transplanted from other jurisdictions (Cheng, 2018, p. 213).

Given the legitimising effect that public trust has on the justice system, over the years, a number of studies were conducted across countries to understand how people perceive their courts and the administration of justice (Pleasence, Balmer & Sandefur, 2013; Gibson J L, 1989; Gibson, Caldeira, & Baird, 1998). These studies provide critical information regarding the inadequacies of the justice system, how they affect people, and what can be done to bridge the gap between the public and the courts (Texas Judicial Branch, 1998). This further helps frame policies that enable courts to meet the expectations of the public, thus improving the latter's perception of the former (Saskia & Mark, 2010).

Grounded in the Indian context, we examine public perception of the Ernakulam District and Sessions Court ("the court") in the state of Kerala, a state which stands out in terms of socio-education parameters in India. The study used - gender, court experience of those who interacted with court in a case, age and education, and access to justice as variables, and also examined the barriers faced by the respondents in accessing the courts and information about how they perceive lawyers and judges.

II. Literature review

A. Public perception of the courts

This section gives an overview of the literature on the effect of gender, age and education, and court experience on the public's perception of courts.

1. Gender and the perception of courts

Several studies have explained the attitudinal differences between men and women, however, there is little literature studying the influence of gender on the perception of courts (Sun & Wu, 2006). Gilligan (1982) attributed differences in the attitudes of men and women to psychological differences that arise out of being socialised into different gender roles. Men's reactions to moral questions would, in general, comply with an "ethic of justice," which prioritise individual rights, and rely on absolute rules of truth and fairness. Women's reactions leaned towards an "ethic of care," which viewed society as a fabric of interdependent personal relationships. Differences in gender also influenced policy preferences. For example, women preferred policies of "compassion" (e.g., more public expenditures for social welfare, education, and health care), which is consistent with the ethic of care (Hurwitz & Smithey, 1998). It can thus be reasonably hypothesized that men, functioning within the paradigm of the "logic of justice," might care more about the issue of fair procedures in the courts, while the "ethics of care," might make women prioritise the need for courts to treat people with dignity and respect (Sun & Wu, 2006). However, not all studies support this hypothesis.

Some studies have found that gender had a weak relationship with one's perception of the justice system (Halim & Stiles, 2001; Henderson, Cullen, Cao, Browing, & Kopache, 1997; Sanders & Hamilton, 1987). Other studies have found that the same model cannot be used to study all sections of the population (including gender) in the context of the public's perception of courts and their legitimacy. For instance, one study found that despite no difference in the average perception of courts between men and women, the effect of direct and indirect court experience on this perception varied significantly based on gender. (Fossati & Meeker, 1997, pp. 142, 152).

The studies by gender bias task forces in U.S. suggests that regardless of the role played by women in a particular case, their opinions are more likely to be trivialised than men's opinions (Fix & Johnson, 2017). The presence of such gender bias might explain negative attitudes formed by women with court experience (Stoutenborough & Haider-Markel, 2008; American Bar Association, 1999; Colmar Brunton Social Research Agency, 2014). However, studies have also come to the opposite conclusion, some found that women hold a more positive perception of courts than men and are more likely to think of being treated fairly by the court (Texas Judicial Branch, 1998, p. 14). Existing literature thus shows that irrespective of the effects of gender on the overall perception of courts, court experience affects women's perceptions of the court (towards the negative) more significantly than it affects men's perceptions.

2. Court experience and the perception of courts

Prior experience with courts is not only significant as a variable to the perception of courts but also as a means for courts to gain legitimacy. In the U.S., an ambitious survey of the public's opinion on courts conducted in 1977 (which became the basis for many later studies) concluded that those who had a knowledge of how courts worked and experienced this first hand were the most dissatisfied with them (Yankelovich, Skelly & White Inc., 1978, p. ii; Zemans, 1991). As a caveat, knowledge of courts must be distinguished from a person's level of education, generally (a variable discussed later). Studies that have examined knowledge of courts in general (without grouping it with court experience) as a variable have found that knowledge of courts increases the level of support enjoyed by them. This may be because mentions of the court (through which knowledge of them is gained) are often accompanied by symbols that warrant respect and deference (for instance, references to the judge as 'your honour' or 'your lordship') (Gibson, Caldeira, & Baird, 1998). Studies conducted thereafter supported the notion that people who had court experience tended to hold a less positive attitude towards courts than those without such experience (Olson & Huth, 1998; GBA Strategies, 2018; Walle & Raine, 2008, p. 386). Olson and Huth's analysis of the Utah state survey (1998, p. 56) found that when people had in-court experiences, they are more likely to rely on this experience rather than socialised attitudes and stereotypes when forming an opinion about courts.

The direction in which overall experience is affected (positive or negative) by court experience is not uniform (Silbey, Ewick, & Schuster, 1993). For instance, a study conducted by the State of Wisconsin concluded that more people leave the courthouse with a positive image of the courts than with a negative image (Rottman, Hansen, Mott, & Grimes, 2003). Studies have found that court-experience can make people see the justice system as responsive to people's needs and less pedantic (Benesh & Howell, 2001).

Interestingly, many found positive experiences do not always help create a positive image of courts (Kritzer & Voelker, 1998) and negative experiences with the courts tend to have a more enduring influence on people's opinions than positive ones (Rottman, Hansen, Mott, & Grimes, 2003). Explanations for the pronounced effect of negative perceptions is that they are often confirmed by reports in the media (Rottman, Hansen, Mott, & Grimes, 2003), that the court procedures are generally associated with substantial psychological, social, and economic costs

(Sun & Wu, 2006) etc. A clear take away is that irrespective of how court experience influences the perception of courts, it is clear that court experience shapes attitudes, not vice-versa (Rottman, Hansen, Mott, & Grimes, 2003).

3. Age and education and the perceptions of courts

Attitudes toward the justice system vary based on demographic variables, including age and education (Sun & Wu, 2006), however, only a few empirical studies have incorporated the variables of age and education into their analysis. Some studies found that respondents who are educated and younger and haven't obtained a high school education are more likely to have a positive attitude towards courts (Stoutenborough & Haider-Markel, 2008) and justice system (Tufts 2000); with the believe that irrespective of gender, race, or socioeconomic status, courts treat everyone equally (Texas Judicial Branch , 1998). Studies have also found that the *more* educated tend to have a more negative perception of the court or that neither age nor education significantly affect the perception of courts (for eg., Texas Judicial Branch, 1998).

One explanation for why age decreases confidence might be that the negative experiences accumulated over the years through personal experience, media etc may have an impact on the confidence in the court system. Further, given that older people tend to be more vulnerable (for reasons of health, economic dependence, lack of emotional support etc.), court experiences can be more traumatic, thus creating an overall negative perception (Benesh & Howell, 2001). This conclusion is not uniform across all studies. A New Zealand study found that older people tend to hold positive attitudes towards the justice system (Colmar Brunton Social Research Agency, 2014).

4. Perceptions of access to justice

'Access to justice', a widely used phrase is defined as ensuring that "*every person is able to invoke the legal processes for legal redress irrespective of social or economic capacity*" (Murlidhar 2004). For public, the right to access and obstacles to accessibility often manifest as high costs of court procedures, inability to hire lawyers, or a lack of knowledge about the justice system (Increasing Access to Justice for Marginalised People: GOI-UNDP Project, n.d.).

In 2017, a nation-wide survey in India on access to the justice system covering 28 states and 385 districts, found courts to be the least preferred means of dispute settlement. Citizens

perceived the justice system as costly, complicated and slow for settling their legal issues (Daksh India, 2017). The respondents preferred approaching relatives, friends, village elders or caste or religious panchayats, instead of courts.

About a decade ago, the Law Commission of India (2009) made several recommendations to improve the working and management of the court system.. These recommendations included the full utilization of the court's working hours, curtailing vacations in the higher judiciary, extending court hours, providing guidelines to deliver judgements within a reasonable time, making judgements clear and decisive to avoid further litigation, and restricting lawyers' ability to go on strike (Law Commission of India, 2009). Most of these recommendations are yet to be acted upon (The Hindu Business Line, 2019).

B. Public perception of judges and lawyers

A survey of the public perception of courts (including judges) in Texas found that nearly three quarters of the respondents believed judges were courteous and respectful to the public. Texans thought more highly (including qualification) of judges than they did of lawyers (Texas Judicial Branch , 1998). In the U.S., judges of state courts are elected and 83 percent of the respondents believed that campaign contributions to judges affected their decisions. Majority of the respondents also voiced concerns about the lack of gender, racial, and ethnic diversity among judges (Texas Judicial Branch , 1998).

The studies reveal that while the general perception of lawyers is positive, respondents expressed concerns about lawyers' fees and work ethic. For instance, an American Bar Association's survey on the public's perception of lawyers conducted in 1993 found that 40 percent of the respondents had favourable opinions of lawyers, 34 percent had negative, and 26 percent were neutral or were unsure (Hangstler, 1993, pp. 61-62). The respondents who were older and had an understanding of the legal system were more likely to have an unfavourable impression of lawyers. A majority of the respondents believed that lawyers have grown less compassionate. Around 40 percent of those surveyed thought that the phrase "*honest and ethical*" could not be used to describe lawyers which is significant compared to the percentage that believed that the phrase described lawyers – 22 percent (Hangstler, 1993, p. 62). A survey conducted in 2001 found that 69 percent of the respondents believed that lawyers were greedy and cared more about making money than helping their clients (Leo J. Shapiro & Associates, 2002). A 1993 study found that those who were younger and less likely to come into direct

contact with lawyers were more likely to have a favourable opinion of the group (Hangstler, 1993, p. 63). Interestingly, the 2001 survey found that contact with lawyers had the effect of improving perception and in the same survey a majority of the respondents who had hired a lawyer were satisfied with the service provided (Leo J. Shapiro & Associates, 2002, p. 4).

Overall, we find very little research in the Indian context to understand the courts and perception of public. This study examines the perception of the Ernakulam District and Sessions Court in Kerala with the following objectives:

1. identify the difficulties faced by respondents in accessing the court;
2. assess how difficulties perceived by respondents in accessing the court affect their overall perception of the court;
3. identify the influence of gender, age and education, and court experience on their perception of the court; and,
4. examine how respondents perceive judges and lawyers.

III. Methodology

A. Study setting and sample

A survey in and around Ernakulam District through simple random sampling was conducted using a structured questionnaire. The survey covered a total of 250 respondents during the period between 06/02/2019 and 26/02/2019 (Table 1). 80 respondents with an equal proportion of men and women who had direct experience with the court were included in the survey. The rest of the sample selected for the study consisted of 170 citizens without court experience, also divided equally between men and women (85 respondents from each group). Only respondents aged 18 and above were selected for the study.

Table 1: Respondent profile

Variable	Category	Frequency	Percentages
Gender	Men	125	50
	Women	125	50
Age	18-32	86	34.4
	32-46	87	34.8
	46-60	62	24.8
	60 and above	15	6.0
Education ¹	Below SSLC	30	12
	SSLC	68	27.2
	Pre Degree	55	22
	Diploma	29	11.6
	Degree and above	68	27.2

B. Questionnaire

A Likert scale questionnaire was developed to identify the nature and intensity of the public's perception of the court. In most of the questions, the respondents could express their views on a 4-point scale ('strongly agree, somewhat agree, somewhat disagree, and strongly disagree') or a 3-point scale ('yes, maybe, and no'). We also included 'don't know/ no opinion' options in the questionnaire (see appendix).

The questionnaire was divided into four distinct sub-sections: i) socio-demographic characteristics; ii) knowledge of courts; iii) court experience; and iv) public perception.

¹ SSLC is 'Secondary School Leaving Certificate' which is obtained after completing the 10th Grade. 'Pre-Degree' is the term used to collectively refer to the last two years of high school education, i.e., Grades 11 and 12. 'Degree' refers to the certificate obtained after completing one's undergraduate university education.

C. Measures

The dependent variable in this study is the public perception of the court, analysed under three attitudinal scales, ‘concern and respect’, ‘fair procedure and outcome’, and ‘overall perception’. The first scale (concern and respect) contained questions about respondents’ perception about the court’s concern for enforcing people’s rights; law, procedure, and dispute settlement; dignity and respect; judges’ perceived honesty; and lawyers’ perceived honesty. The second scale (fair procedure and outcome) contained questions on respondents’ confidence that the court used fair procedures and that people who approached the courts received fair outcomes. The third and final scale (overall perception) asked the respondents to state their general feeling about the court (see appendix). The questionnaire also contained a section on ‘access to justice’ which sought response on whether they preferred the court to resolve disputes, thought the court was accessible, and what their difficulties in accessing the court were (see appendix).

The independent variables used were respondents’ experience with the court, gender, and age and education (collectively referred to as ‘demographic characteristics’). Court experience was coded as a dummy variable with “1” representing respondents who had personal experience. Respondents’ perception regarding the accessibility of the court has also been used as an independent variable to correlate with the overall perception of the court.

D. Data analysis

A multivariate regression was computed to examine whether respondents’ demographic characteristics (gender, age and education) and court experience influenced their perception of the court. Here, attitudinal scales such as concern and respect, fair procedure and outcome, and overall perception were regressed on all independent variables. Spearman’s rho test was used to examine the correlation between overall perception of court and respondent’s difficulty in accessing the court (access to justice). The purpose of the Spearman’s rho test and analysis is to identify whether the respondent’s unfavourable attitude towards the court is associated with their difficulties in accessing it. IBM SPSS Statistics was used for the analysis.

IV. Results and Discussion

Table 2: Mean and SD of responses²

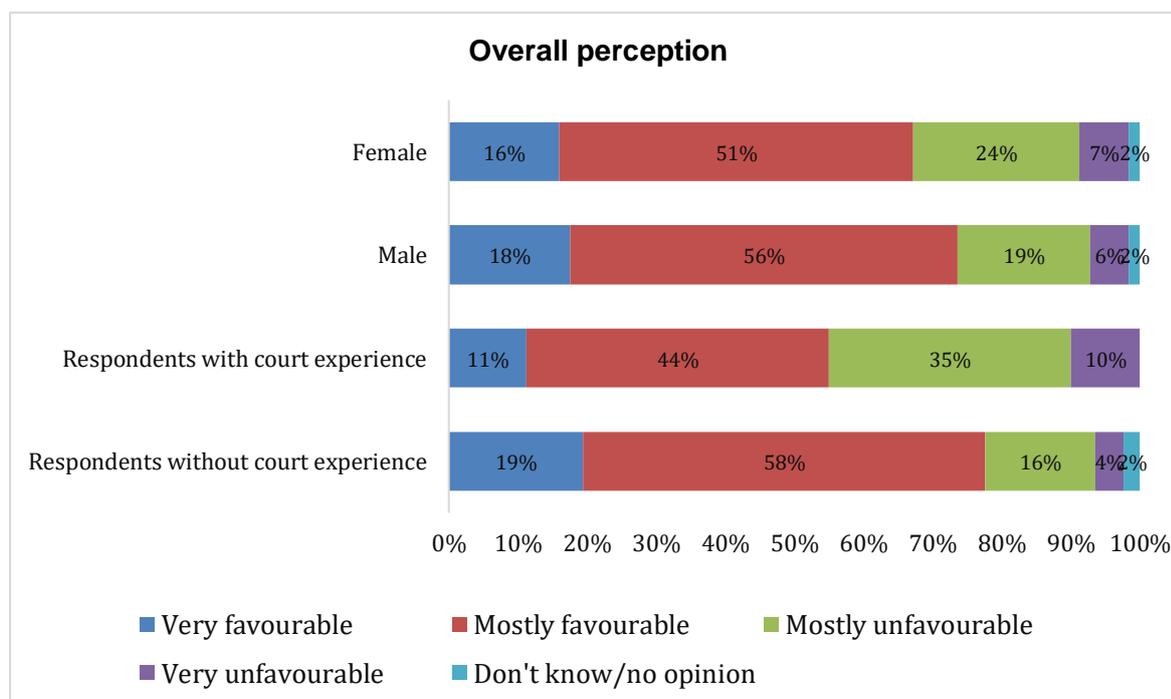
Item	N	Mean	SD
Knowledge			
Heard about the court	250	1.01	.089
Purpose of courts	250	1.06	.277
Experience			
Describe contact	80	2.65	.765
Court language and legal terminology	80	2.47	.886
Future approach	80	1.49	.729
Public perception			
<i>a. concern and respect</i>			
People's rights	250	1.93	.823
Law, procedure, dispute settlement and punishment	250	2.02	.967
Dignity and respect	250	2.05	.955
Honesty of judges	250	2.27	.944
Honesty of lawyers	250	2.83	.931
<i>b. access to justice</i>			
Best forum for dispute settlement	250	1.81	.788
Last forum for dispute settlement	250	1.20	.449
Easily accessible	250	2.55	.782
Difficulties in accessing	250	1.31	.644
<i>c. fair procedure & outcome</i>			
Fair procedure	250	2.12	.878
Fair outcome	250	2.37	.823
<i>d. overall perception</i>			
General attitude	250	2.14	.830
Future approach	250	1.48	.678
Other medium	250	1.45	.772

² Note: Level of knowledge is scaled from yes (1) maybe (2) and no (3). The responses for 'describe contact' under 'Experience' section have coded very positive (1) quite positive (2) quite negative (3) and very negative (4). 'Court language and legal terminology' and 'future approach' have coded yes (1) maybe (2) and no (3). The responses for 'concern and respect' under 'Public perception' have coded strongly agree (1) somewhat agree (2) somewhat disagree (3) and strongly disagree (4), 'access to justice' have coded yes (1) maybe (2) and no (3), 'fair procedure & outcome' have coded completely confident (1) fairly confident (2) not very confident (3) and not at all confident (4) and 'overall perception' have coded very favourable (1) mostly favourable (2) mostly unfavourable (3) and very unfavourable (4). The scales for other responses are range from yes (1) maybe (2) and no (3).

A. Overall perception

In terms of overall perception, the study finds strong support for the Ernakulam District and Sessions Court. Almost three quarters of the total respondents (71 percent) had a favourable impression of the court, while 29 percent of the respondents had an unfavourable impression. Results show that respondents' experience with the court has a definite influence on their attitude towards the court. The responses of respondents with court experience tend to be less favourable toward the court compared to those given by respondents with no such experience. In terms of perceived favourability, 77 percent of respondents without court experience are in favour of the court compared to 55 percent of those with court experience. Notably, the percentage of negative perceptions among respondents with court experience was twice as high as those without such experience (45 percent versus 21 percent). Gender has a slight influence on the attitude towards the court. Men were more likely to have a favourable impression of the court than women (74 percent versus 67 percent). On the other hand, women were more likely to have an unfavourable impression of the court than men (31 percent versus 25 percent). Overall, 2 percent of the respondents did not have a definite opinion (see Figure 1).

Figure 1: Overall perception



B. Regression analysis

The following table shows the results from a regression analysis. The regression analysis also includes analysis of the other two attitudinal scales measuring public perception, namely, ‘concern and respect’ and ‘fair procedure and fair outcome’. From these two scales, concern for people’s rights, concern for people’s dignity, fair procedure, and fair outcome have each been analysed separately (see questionnaire in appendix).

Table 3: *Regression Summary*

	Overall perception	People’s rights	Dignity and respect	Fair procedure	Fair outcome
Gender	0.109 (.103)	0.081 (.104)	-0.050 (.123)	-0.040 (.109)	0.152 (.104)
Age	0.126 (.067)	0.128 (.068)	0.034 (.080)	0.161* (.071)	0.058 (.067)
Education	0.053 (.043)	0.107* (.044)	0.28 (0.051)	0.140** (.046)	0.113* (0.44)
Court experience	0.393*** (.112)	0.117 (.113)	0.085 (.134)	0.238* (.119)	0.129 (.113)
R ²	0.076	0.033	0.004	0.060	0.038
Adjusted R ²	0.061	0.017	-0.012	0.044	0.023

^a Entries are unstandardized coefficients of OLS regression with standard errors in parentheses.

* $p < .05$

** $p < .01$

*** $p < .001$, one tailed.

The regression analysis conveys a very significant association between the respondents’ court experience and their overall perception of the court. Consistent with the expectation, the findings suggest that those who had experience with the court were significantly more likely to rate the court less favourably than those who had no such experience. Importantly, court

experience is the only variable found to significantly predict the overall perception of the court. Respondents' gender, age and education did not have a significant effect on their overall perception of the court.

Unlike their overall perception, respondents' perception about the court's concern for people's rights was significantly affected by their educational background. Those who are highly educated were less likely to believe that the court is concerned with people's rights. Respondents' age and education were also found to have a significant association with their perception of whether the court follows 'fair procedure' in handling cases. We found respondents who are younger tend to have positive attitude, and with respondents who are younger and highly educated participants showed negative attitudes regarding the court's use of fair procedure. On the perception of fair outcome, those who are more educated tend to have a negative attitude. Other variables such as gender and court experience did not have a significant influence on respondents' perception of fair procedure and outcome. Importantly, the respondents' demographics and court experience did not have a significant effect on their perceptions of the dignity and respect accorded to people by the court.

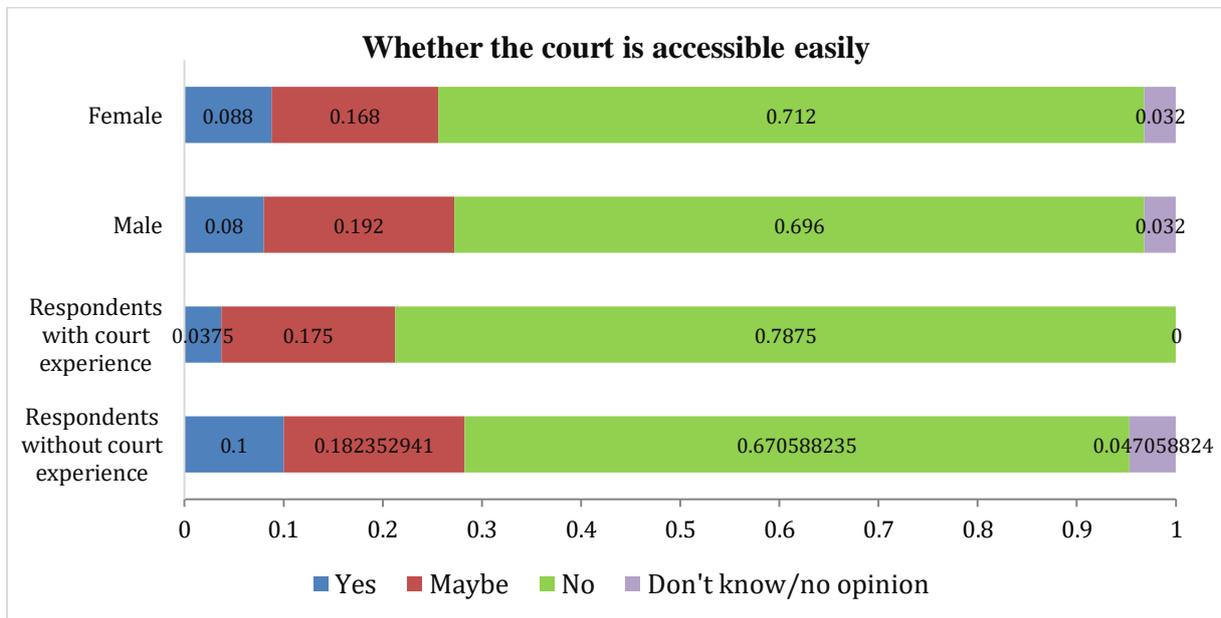
The multiple regression analysis shows a fairly moderate association between respondents' attitude towards the court and their age and educational background. On account of this, we reject the null hypothesis that there is no association between public perception of the court and demographic characteristics namely, age and education, but we failed to reject the null hypothesis regarding the influence of gender on the perception of courts. Similarly, results also show a significant association between court experience and the overall perception of the court. Those who had contact with the court tend to have a negative attitude towards it compared to those without such contact. Therefore, we reject the null hypothesis that no association exists between public perception of the court and personal court experience. We conclude that people's perception of the court is somewhat associated with their age, education and personal court experience.

C. Perception of access to justice

One of the objectives of the study is to investigate whether the public is able to access the court effectively to resolve their legal issues. The results indicate that the majority of respondents perceive the court as too difficult to access. Respondents were asked if they believed that courts

in general are easily accessible. 67 percent without court experience and 79 percent with court experience, no matter their circumstances, believed that accessing the court is too complicated and too difficult to access. Only 8 percent of the total respondents (10 percent without court experience and 4 percent with court experience) said that they believed that the court is easily accessible. The results indicate that gender does not influence the perception of the court’s accessibility. Over two-thirds of the men and women surveyed believe that accessing the court is very difficult (70 percent and 71 percent respectively). Only 8 percent of men and 9 percent of women believe the court is easily accessible. Overall, 3 percent of the respondents opted for the ‘don’t know/no opinion’ option (see Figure 2).

Figure 2: Easy accessibility of court

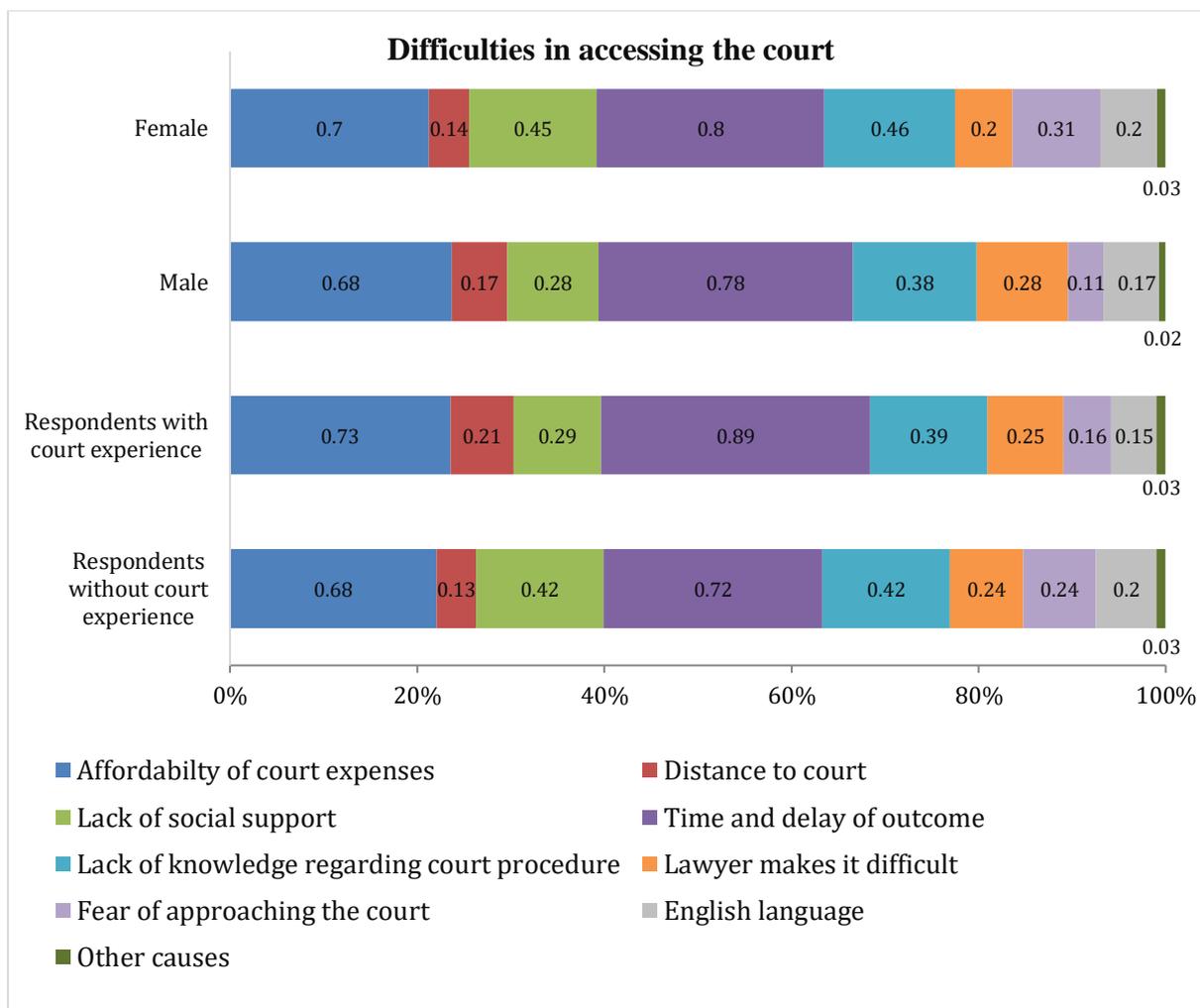


The survey finds that most of the respondents perceive the court as too costly and too slow for settling their legal issues. The time taken to adjudicate cases is the primary issue for most of the respondents, followed by the inability to afford court expenses. Over 77 percent of the total respondents (72 percent without court experience and 89 percent with court experience) reported that solving the legal issue through the court takes too long and 70 percent (68 percent without court experience and 73 percent with court experience) reported having difficulty in affording court expenses. The results convey that around 40 percent of the respondents from both groups (with and without court experience) don't have enough knowledge regarding court procedures. Lack of social support, i.e., support from family, friends, and others in approaching the court was reported by 37 percent of the total number of respondents (42 percent without

court experience and 30 percent with court experience). Apart from this, around 25 percent of those with and without court experience had a negative opinion of lawyers and their opinion was based on the feeling that ‘lawyers are driven by money’. How courts are seen by ordinary people without court experience is interesting: 24 percent of those without court experience are afraid of approaching the court, which is somewhat higher than those with court experience (16 percent). Further, distance from the court (for 16 percent of the respondents) and the English language (for 18 percent of the respondents) were perceived as barriers to accessing the court for some respondents.

The survey also finds that most of the respondents perceive the court as too costly and too slow for settling their disputes regardless of gender. Almost 69 percent of respondents (notwithstanding gender and court experience) reported having difficulties in affording court expenses. 79 percent of both men and women believe that solving the legal issues through the court takes too long. Lack of social support in approaching the court is a major issue reported by women which was higher than the percentage of men who reported the same (45 percent versus 28 percent). The results also show that slightly more women than men don’t have enough knowledge regarding court experience (46 percent versus 38 percent). Men were more likely to have a negative attitude towards lawyers compared to women (28 percent versus 20 percent). In terms of approaching the court, 31 percent of women said they have fear which is almost thrice as higher as men (11 percent). Further, distance to the court (17 percent of men and 14 percent of women) and English language (17 percent of men and 20 percent of women) are the other issues reported by both the groups and there is no significant difference among them with respect to these to aspects of the court acting as barrier to access justice. It is somewhat surprising that none of the respondents had opted for the ‘don’t know/no opinion’ option (see Figure 3).

Figure 3: Difficulties in accessing the court



1. Correlating access to justice and overall perception

The literature review suggests that the ability to access courts affects the public’s perception of courts and this in turn decide whether courts are favoured forum for dispute resolution. In this study, Spearman’s rho test was used to measure the correlation between a respondent’s perceived ability to access the court (access to justice) and their overall perception of the court. A significant positive correlation between respondents’ perception of ‘access to justice’ and their ‘overall perception’ of the court was found. There is a correlation between respondents’ perception that there exist barriers when accessing the court and their overall negative perception of the court ($p < 0.01$). Even though the magnitude of correlation coefficient is below 0.3 which means a low correlation, the respondents’ negative attitudes toward court still have an association with respondent’s difficulty in accessing the court. On account of this, we reject the null hypothesis that there is no association that exists between the negative overall perception of the court and people’s difficulty in accessing it.

Table 4: *Correlation between difficulty in accessing the court and negative perception*

Variables	1	2
1. Overall Perception	1.000	
2. Easy accessibility	0.218**	1.000
M	2.14	2.55
SD	0.830	0.782

*Correlation is significant at the 0.05 level (2-tailed).

**Correlation is significant at the 0.01 level (2-tailed)

D. Perception of judges and lawyers

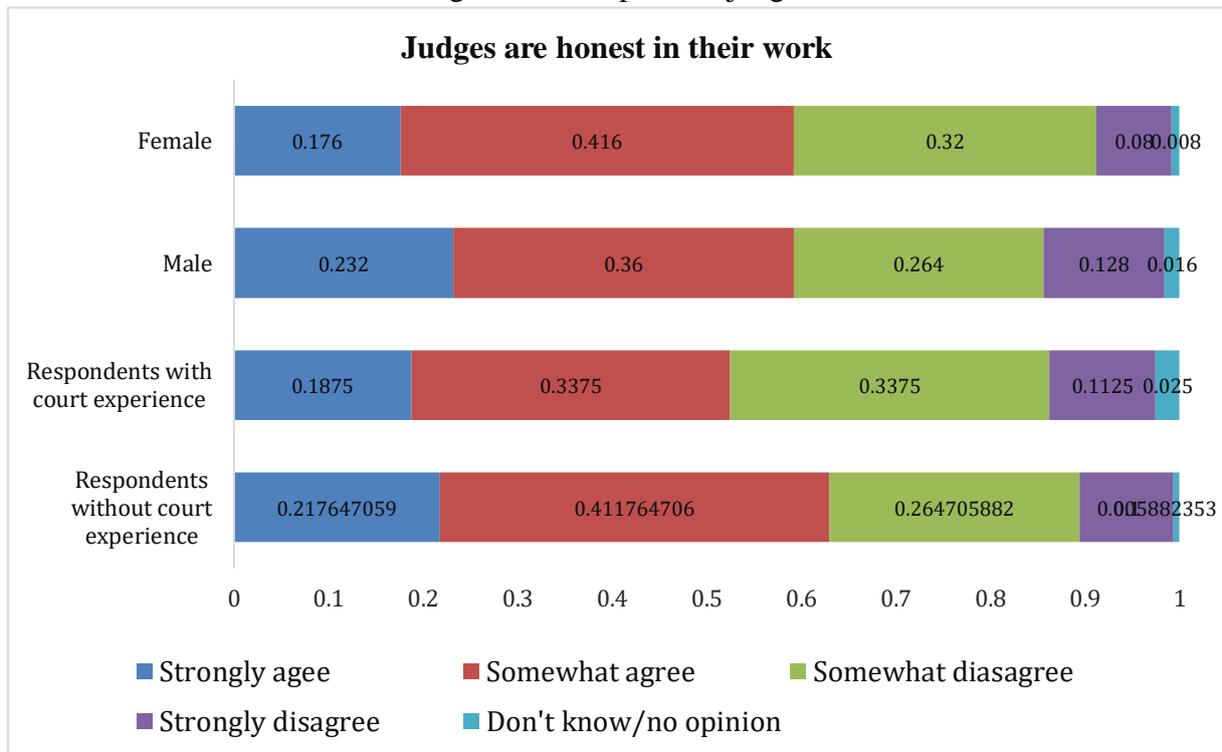
Judges and lawyers respectively are two important pillars of the justice system, thus the collective efforts of both these groups is required to continuously refine and improve justice administration and help public (R. Muthukrishnan v. The Registrar General of the High Court of Madras, 2019; Martinez, 2018). Information about the people’s perception and confidence in these two groups can be used to identify the difficulties they face in accessing the justice system (Texas Judicial Branch , 1998).

In this study, respondents were asked whether the judges and lawyers are honest in their work. Overall, 60 percent of participants strongly or somewhat agree with the statement that judges do their work honestly, while 39 percent of the participants somewhat or strongly disagree with this statement. The respondents’ contact with the court did appear to have an influence on their attitude toward judges. Respondents without court experience were more likely to have a positive attitude towards judges compared to those with court experience (63 percent versus 53 percent). Respondents with court experience were more likely to have a negative attitude towards judges than those without such involvement (45 percent versus 36 percent).

Gender did not have a definite influence on the perception of judges. Around 60 percent of men and women strongly or somewhat agree with the statement that judges are doing their work honestly, while around 40 percent from both groups strongly or somewhat disagree with this

statement). Around 3 percent of total respondents opted for the ‘don’t know/no opinion’ option (see Figure 4)

Figure 4: Perception of judges

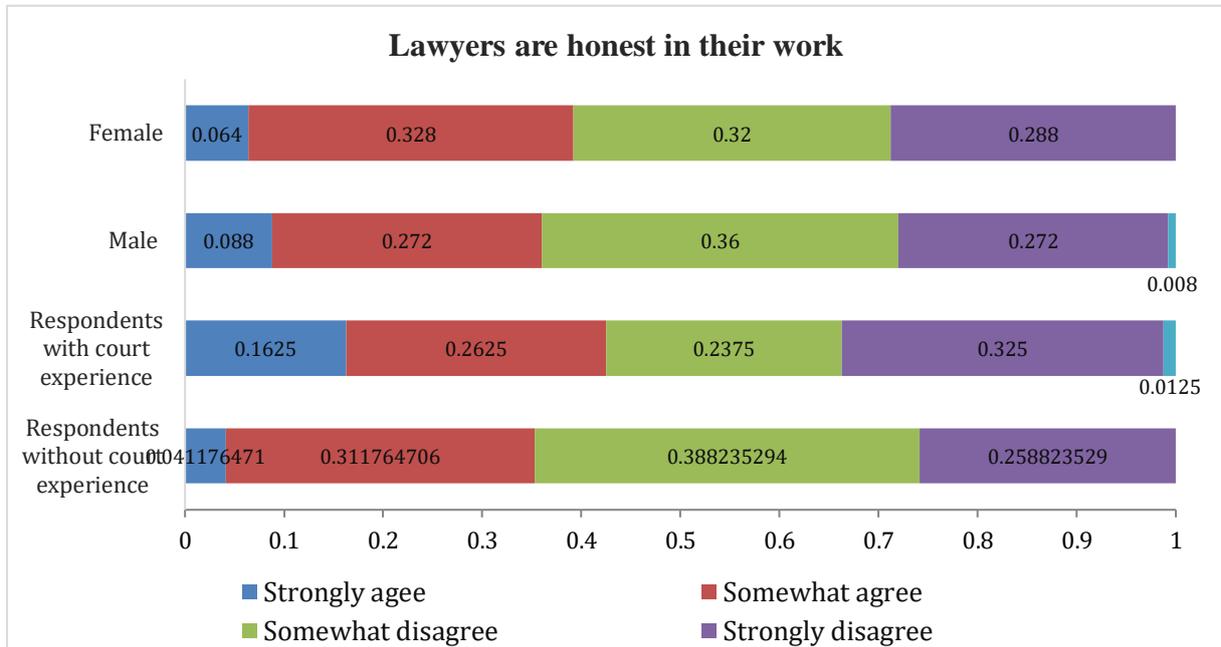


Lawyers received fairly low ratings when survey respondents were asked if they believe that lawyers are honest in their work. Around 62 percent of respondents strongly or somewhat disagree with the statement that lawyers are doing their work honestly, while 38 percent of the respondents somewhat or strongly agree with this statement. Again, a respondent’s court contact did appear to have an impact on their attitude toward lawyers. Respondents with court contact were more likely to have a positive attitude toward lawyers compared to those without court contact (42 percent versus 35 percent) and respondents without court contact were more likely to have negative attitude towards lawyers compared to those without such contact (65 percent versus 57 percent). Interestingly, this result is somewhat opposite of the public perception of judges in which, the participant’s court contact had a negative effect on the attitude towards judges.

Again, gender did not have a definite influence on the perception of lawyers. Almost 38 percent of both men and women strongly or somewhat agree with the statement that lawyers are doing their work honestly, while around 62 percent from both the groups disagree with this statement.

Also, 1 percent of total respondents opted for the ‘don’t know/no opinion’ option (see Figure 5).

Figure 5: Perception of Lawyers



V. Summary and Conclusion

The analysis suggests that the perception of courts is variably influenced by the 3 independent factors – prior court experience, age, and gender of the respondent. First, those with prior court experience had a slightly negative perception. Though, their opinion on fairness in procedure and outcome of cases was not significantly adversely impacted. This area should be further studied, accounting for the type of experience (eg. role as appellant/ defendant, if case was won/lost etc.).

Second, the age of respondents significantly influenced their perception of whether the courts follow fair procedures and yield fair outcomes. However, age did not seem to influence other attitudinal scales such as concern and respect. Younger respondents were more likely to agree with the statement- ‘the court is using fair procedures in handling the cases’. Differences in education level had a small effect on their overall impression of the court. Respondents without much education were more likely to agree that courts use fair procedures in handling cases, and also believe that fair outcome are provided by courts.

Thirdly, men were marginally more likely to perceive the courts favourably. This finding on attitudinal differences between men and women (albeit to an insignificant degree) is somewhat different from other literature. As caveat, it is important to keep in mind the findings of Fossati & Meeker (1997) who showed the need for different models to assess the perceptions of different sections of the population.

On access to courts, the study shows that the negative perception of courts is somewhat positively correlated with the people's perception that they are generally difficult to access. The majority of respondents, regardless of the court experience, perceive the courts as a slow and expensive mechanism for dispute settlement.

Finally, the study examined the respondents' perception of lawyers and judges. Compared with judges; lawyers received low ratings on questions about the honesty in their work. This finding on lawyers is similar to that of the 1993 and 2001 studies by the American Bar Association. In most perception studies (including this one), a majority of the respondents were concerned about the lawyers' excessive financial interest. Interestingly, this study showed that court experience had a positive impact on the respondents' perception of lawyers.

Overall, we find that the public have confidence in the integrity of the justice system; demonstrated by the overall positive perception of the court and the retention of a positive perception on the use of fair procedures by the court notwithstanding court experience. Positive perceptions about fair outcomes in the court and the court's concern for people's rights are also not adversely affected by court experience. Thus, it would be reasonable to assume that the public accords legitimacy to the courts and places their confidence in them. However, this overall confidence in courts is likely to be eroded after court experience. Remedying this issue require policies to focus on enhancing the public's ability to effectively access the justice system.

Limitations

In terms of capturing respondents' court experience, we believe this study has its limitations such as the frequency of court contact, seriousness of the case, experience throughout the life cycle of a particular case etc. Perception about legal system and its stakeholders are influenced by many factors (a very low-level variance is being shown by our models). It is likely that some other factors are influencing the perception of the Court.

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APPENDIX
QUESTIONNAIRE

PUBLIC PERCEPTION OF ERNAKULAM DISTRICT AND SESSIONS COURT

HYPOTHESES

H1: Socio-demographic factors namely gender, age and education have no influence in public perception of Ernakulam District and Sessions Court.

H2: No association exist between the public perception of Ernakulam District and Sessions Court, and personal court experience.

H3: Strong association exist between negative perception of Court and people's difficulty in accessing the Court.

I. Part A: Demographic characteristics

1. Gender

Male Female Transgender

2. Please tell us which age range you fall into...

18-32 32-46 46-60 60 or above

3. What is the highest level of formal education that you have completed to date?

Below SSLC SSLC Pre Degree Diploma Degree and above Others

Part B: Knowledge

4. Have you heard of Ernakulam District and Sessions Court?

Yes Maybe No Don't know/no opinion

5. Do you know the purpose of Courts?

Yes Maybe No Don't know/no opinion

6. Courts [Ernakulam District and Sessions Court] handles the following:

Works as a police station Settling only government disputes Settling only company

disputes Settling only disputes between citizens Settling the disputes of everyone
 Others

Part C: Experience

7. People come into contact with the courts for a variety of reasons. Thinking about the past, have you had any personal contact with the Ernakulam District and Sessions Court?

Yes No

Answer if Q7= had contact with the court

8. On the whole, would you describe your contact(s) with the Ernakulam District and Sessions Court in the past as

Very positive Quite positive Quite negative Very negative Don't know/no opinion

9. If you were positive about your experience, what could be the reasons? You can pick more than one.

Speed of justice Attitude of judge Attitude of court staff Attitude of your lawyer Less expensive The facilities in the court building Don't know/no opinion

10. If you were negative about your experience, what could the reasons? You can pick more than one.

Delayed justice Attitude of judge Attitude of court staff Attitude of your lawyer Expense affair The facilities in the court building Don't know/no opinion

11. Did the court language and legal terminology used been an issue in understanding your case proceedings?

Yes Maybe No Don't know/no opinion

12. In case you have future legal issue, do you prefer again approaching Ernakulam District and Sessions Court?

Yes Maybe No Don't know/no opinion

Part D: Public Perception

a. Concern & respect:

The questions below from 8 to 13 are about your views on Ernakulam District and Sessions Court. How much do you agree or disagree with the following statements?

13. The court is concerned with enforcing people's rights

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
Don't know/no opinion

14. The court is concerned with law, procedure, dispute settlement and punishment

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
Don't know/no opinion

15. The court treat people with dignity and respect

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
Don't know/no opinion

16. Judges are honest in their work

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
Don't know/no opinion

17. Lawyers are honest in their work

Strongly agree Somewhat agree Somewhat disagree Strongly disagree
Don't know/no opinion

b. Access to justice:

18. When you have a legal issue, do you think court is the best forum for dispute settlement?

Yes Maybe No Don't know/no opinion

19. When you have a legal issue, do you think court is the last forum for dispute settlement?

Yes Maybe No Don't know/no opinion

20. Do you think courts in general are accessible easily?

Yes Maybe No Don't know/no opinion

21. You always think of the difficulties/apprehension you may encounter when accessing the Ernakulam District and Sessions Court?

Yes Maybe No Don't know/no opinion

Answer if Q21= May be/Yes

22. What do you think is the most specific cause behind the difficulty in accessing the Ernakulam District and Sessions Court? You can pick more than one

Affordability of court expenses Distance to court Lack of social support Time and delay of outcome Lack of knowledge regarding court procedure lawyer makes it difficult Fear of approaching the court English language Other causes Don't know/no opinion

c. Fair procedure & outcome:

23. How confident are you that Courts [Ernakulam District and Sessions Court] use fair procedures in handling cases?

Completely confident Fairly confident Not very confident Not at all confident Don't know/no opinion

24. How confident are you that people receive fair outcomes when they deal with Courts [Ernakulam District and Sessions Court]?

Completely confident Fairly confident Not very confident Not at all confident Don't know/no opinion

d. Overall perception:

25. How do you generally feel about the Ernakulam District and Sessions Court?

Very favourable Mostly favorable Mostly unfavourable Very unfavorable Don't know/no opinion

26. In case you have future legal issue, will you prefer approaching Ernakulam District and Sessions Court?

Yes Maybe No Don't know/no-opinion

27. Are you aware of any other medium of dispute settlement?

Yes Maybe No Don't know/no opinion