

INDIA JUSTICE REPORT



Ranking States on Police, Judiciary,
Prisons & Legal Aid



**India
Justice**
Report | 2019

Supported by **TATA TRUSTS**

India Justice Report: Ranking States on Police, Judiciary, Prisons and Legal Aid

Published in October 2019 by Tata Trusts

Since inception in 1892, the Tata Trusts, India's oldest philanthropic organisation, have played a pioneering role in bringing about an enduring difference in the lives of the communities it serves. Guided by the principles and the vision of proactive philanthropy of the Founder, Jamsetji Tata, the Trusts' purpose is to catalyse development in the areas of healthcare and nutrition, water and sanitation, education, energy, rural upliftment, urban poverty alleviation, and arts, craft and culture. The Trusts' programmes, achieved through direct implementation, partnerships and grant making, are marked by innovations, relevant to the country.

For over a century we have been working to improve the quality of life of all Indians, particularly the vulnerable and marginalised. Tata Trusts have been spearheading social change in the criminal justice and juvenile justice systems in India by focusing on addressing the needs of the most marginalised sections of society. Changes within the justice system are complicated, systemic and interlinked and require critical attention and interventions. These interventions have been implemented across 10 states, either directly or in partnership with state governments. The Trusts have also provided grants to civil society organisations to promote research and advocate policy changes.

For more information, please visit
<https://www.tatatrusts.org/>

Cover design by Niyati Singh, Tata Trusts

Designed by How India Lives

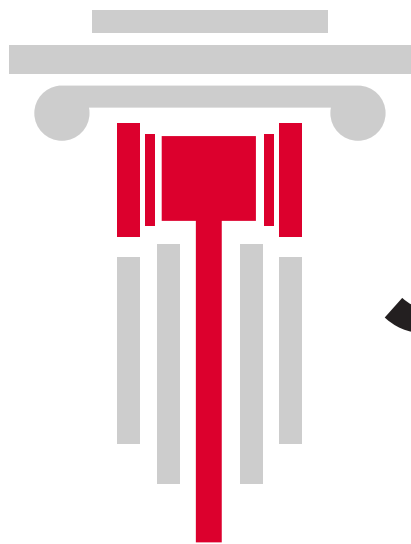
Printed by PrintWorld

Address: 1743 Udaychand Marg, Ist & UGF, Kotla Mubarakpur Near South Ex. Part I, New Delhi-110003

© Sir Dorabji Tata Trust, 2019.

This report is based on publicly available data of different government entities and the judiciary. All efforts were made to verify that the information presented herein is correct to the best of our knowledge. The Tata Trusts and the authors disclaim any responsibility for the correctness or accuracy of the references, information, data or their sources used in this report generally and/or in support of the rankings. All rights reserved. Any part of this report, including design, may be reproduced in any form or by any means, electronic or mechanical, including photo copy, recording or any other information storage and retrieval system, using the citation provided below.

Suggested citation: 'India Justice Report: Ranking States on Police, Judiciary, Prisons and Legal Aid', Tata Trusts, New Delhi, India (2019).



India Justice Report | 2019

Supported by **TATA TRUSTS**

Ranking States On Police, Judiciary, Prisons and Legal Aid

INDIA JUSTICE REPORT 2019:

The India Justice Report ranks 18 large and mid-sized, and 7 small states according to their capacity to deliver justice to all. It uses government data to assess the budgets, infrastructure, human resources, workload, diversity and 5 year trends of police, prisons, judiciary and legal aid in each state, against its own declared standards. This first of its kind study is an initiative of Tata Trusts undertaken in partnership with Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative(CHRI), DAKSH, TISS-Prayas and Vidhi Centre for Legal Policy.

Steering Committee

- Maja Daruwala, Senior Advisor, Tata Trusts
- Shireen Vakil, Head of Policy and Advocacy, Tata Trusts
- Gagan Sethi, Co-founder and Vice-Chair, Centre for Social Justice
- Vipul Mudgal, Director, Common Cause
- Sanjoy Hazarika, International Director, Commonwealth Human Rights Initiative
- Harish Narasappa, Co-founder, DAKSH
- Valay Singh, Project Lead, Tata Trusts
- Prof. Vijay Raghavan, TISS-Prayas
- Dr. Arghya Sengupta, Co-founder, Vidhi Centre for Legal Policy

Chief Editor

Maja Daruwala

Editorial, research and coordination

- Valay Singh, Project Lead, Tata Trusts
- Niyati Singh, Lead Researcher, Tata Trusts

Authors

- Subrat Das, Centre for Budget and Governance Accountability
- Asadullah, Centre for Budget and Governance Accountability
- Nupur, Centre for Social Justice
- Akhilesh Patil, Common Cause
- Radhika Jha, Common Cause
- Devika Prasad, Commonwealth Human Rights Initiative
- Devyani Srivastava, Commonwealth Human Rights Initiative
- Madhurima Dhanuka, Commonwealth Human Rights Initiative
- Sugandha Mathur, Commonwealth Human Rights Initiative
- Shruthi Naik, DAKSH
- Leah Verghese, DAKSH
- Prof. Vijay Raghavan, TISS-Prayas
- Ameen Jauhar, Vidhi Centre for Legal Policy
- Diksha Sanyal, Vidhi Centre for Legal Policy
- Gangadhar Patil, CEO & Founder, 101 Reporters

Data and Design

How India Lives (www.howindialives.com)

About our partners

Centre for Social Justice (IDEAL) is an organization fighting for the rights of the marginalized and the vulnerable, principally in the sphere of access to justice. Inspired by Freirean thought, CSJ has been active in more than eight states across India, creating human rights interventions, using law as a key strategy through an intimate engagement with grassroots realities. Central to CSJ's efforts are its institutional interventions in legal reform and research, which bridge and symbiotically combine grassroots activism, law and policy-making on a wide gamut of issues concerning the rights of women, Dalits, Adivasis, minorities and other socially vulnerable groups.

Common Cause is dedicated to championing public causes, campaigning for probity in public life and the integrity of institutions. It seeks to promote democracy, good governance and public policy reforms through advocacy and democratic interventions. Common Cause is especially known for the difference it has made through a large number of Public Interest Litigations (PILs), such as recent ones on the cancellation of the entire telecom spectrum; cancellation of arbitrarily allocated coal blocks; and the Apex Court's recognition of an individual's right to die with dignity.

DAKSH is a Bengaluru based civil society organization that is working on judicial reforms at the intersection of data science, public policy and operations research. DAKSH's primary focus is on the Rule of Law Project which it began in 2014 in order to evaluate judicial performance and, in particular, to study the problem of pendency of cases in the Indian legal system.

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan,

international non-governmental organization working in the area of human rights. Through its reports, research and advocacy, CHRI draws attention to the progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, civil society and the media on criminal justice concerns.

Prayas is a social work demonstration project of the Center for Criminology and Justice, Tata Institute of Social Sciences. Prayas's focus is on service delivery, networking, training, research and documentation, and policy change with respect to the custodial/institutional rights and rehabilitation of socio-economically vulnerable individuals and groups. Their mission is to contribute knowledge and insight to the current understanding of aspects of the criminal justice system policy and process, with specific reference to socio-economically vulnerable and excluded communities, groups and individuals who are at greater risk of being criminalized or exposed to trafficking for the purpose of sexual exploitation.

The Vidhi Centre for Legal Policy is an independent think-tank doing legal research to make better laws, and improve governance for the public good. Vidhi engages with ministries and departments of the Indian government, as well as state governments, and also collaborates with other relevant stakeholders within public institutions, and civil society members, to assist and better inform the laws and policies being effectuated. The Centre also undertakes, and freely disseminates, independent research in the areas of legal reform, which it believes is critical to India's future.

Foreword

The India Justice Report is a path-breaking endeavour consolidating the efforts of numerous individuals and organizations working towards the improvement of the Indian justice system. The commendable purpose of the Report is to attract the attention of the stakeholders in the system to two important areas of national concern—access to justice, and the health of our institutions responsible for justice delivery.

The fulfilment of our civilizational aspirations is contingent on laws that give effect to constitutional provisions, and the law-abiding spirit of citizens of the country. Strong laws are by themselves inadequate in ensuring the welfare of the people. Collective human experience shows that every power has the intrinsic tendency towards excess and a mere majoritarian democracy, without the architecture of an inclusive society, tends towards electoral despotism.

If a sizeable section of people lose faith in their governance structures and in the justice dispensation in society, a socially negative critical-mass occurs, which can result in sweeping cynicism that unleashes a power of destruction. The Report, in highlighting how various actors in the justice system function, conveys a message of caution.

The issues considered in the Report cover a range of issues that are of contemporary relevance and urgency. They provide us a holistic understanding of the key actors in the Indian justice system—the police, prisons, legal aid, and judiciary. It specifically analyses the various pillars of the justice system along the lines of their budgets, infrastructure, human resources, workload and diversity. The Report has made a significant contribution

to the study of the justice system in India. It is comprehensive and brings to light several systemic faults and shortcomings, such as the abysmally low priority afforded to the justice machinery in state budgets, the persistence of an average 20 per cent vacancy across the various pillars in the justice system, and the lack of diversity within them.

While emphasizing how the inefficiencies in the working of any institution in the justice system adversely affect the working of other institutions and eventually hinder access to, and the delivery of, justice itself, the Report provides us a comparison of how extensive such problems are in various states across the length and breadth of the country. It maps the change in the functioning of state machinery across time, and highlights a critical roadblock in effectively understanding its working.

Furthermore, the stereotyped, top-down approach in public institutions has really suffered banality, and has foreclosed any fresh outlook at the problems plaguing the justice system. Any light from outside the system is not only unwelcome, but is also generally seen as an intrusion to the functioning of state machinery. What is critical is an open-minded exposure to scientific approaches. All this has been said often: but with few paying heed to the augmented problems, persons who hold sway over critical issues inhibiting access to, and delivery of, justice must have the good sense to pay attention before it is too late.

M.N. Venkatachaliah

Former Chief Justice of India, Bengaluru

11 September 2019

Acknowledgements

For over a century, Tata Trusts has been working to improve the quality of life of individuals, particularly the vulnerable and marginalized. The Trusts believe that the presence of poverty signals a lack of justice and rights, and perpetuates inequality and exclusion. Through direct interventions and partnering with civil society and the government, we support efforts to improve natural resources management; education; healthcare and nutrition; rural livelihoods; civil society and governance; and media, arts, crafts and culture. Justice and the rule of law are the cornerstones on which all these endeavours are based.

The India Justice Report 2019, therefore, uses data to assess the present capacity of states on the four pillars of the formal justice system: police, prisons, judiciary and legal aid. It is meant to assist policymakers and duty holders, particularly at the state level, to plug the gaps in the delivery of justice and inform the engagement of all stakeholders in this effort. State governments are vital partners for the Trusts. The expectations from each government is the fulfilment of demands made by their people—better infrastructure, improved healthcare and education, access to safe drinking water and a clean environment, among others. To this list we must add improved access to efficient and fair justice. A well-functioning justice system is the foundation for other forms of development and the rule of law, yet it remains shrouded in mystery.

It gives me great pleasure to introduce the first edition of the India Justice Report. The report is the result of 18 months of collegial collaborations and partnership between the Tata Trusts and Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative, DAKSH, TISS-Prayas and Vidhi Centre for Legal Policy. It would not have been possible without the unstinting cooperation and

collective knowledge that Sanjoy Hazarika, Vipul Mudgal, Harish Narsappa, Prof. Vijay Raghavan, Arghya Sengupta and Gagan Sethi brought to the table.

Thanks also to Akhilesh Patil, Radhika Jha, Devika Prasad, Devyani Srivastava, Madhurima Dhanuka, Sugandha Shankar, Nupur, Shruthi Naik, Arunav Kaul, Leah Verghese, Prof Vijay Raghavan, Ameen Jauhar and Diksha Sanyal for their essays. We are grateful to Sanjoy Hazarika for his essay on States of Exclusion, and Subrat Das and Asadullah at CBGA who contributed the essay on budgeting.

The report has benefitted enormously from the long years of experience and insights of our subject matter advisors Jacob Punnoose (former DGP, Kerala), Kamal Kumar (former DGP, Andhra Pradesh), N. Ramachandran (former DGP, Meghalaya), R. K. Saxena (former IG Prisons, Rajasthan), Meeran Borwankar (former DG, BPR&D) and B. D. Sharma (ex- ADG and Special Advisor, Correctional Services, West Bengal). A special thanks is also owed to Sunil Chauhan (Director, NALSA) for his support and patience during our repeated efforts to collect legal-aid data.

We also thank Avinash Singh, Shreya Agarwal, Kartik Kwatra and Pankaj Khurana from our data and design partner, How India Lives, who worked side by side with the core team to collect and compile the data, and design the final outputs. Thanks are also due to 101Reporters who undertook the onerous task of filing and compiling more than 700 RTI requests, and over 3,000 responses from states across India.

We are also deeply appreciative of Prof. Amitabh Kundu, Distinguished Fellow at RIS; Yamini Aiyar, President and Chief Executive, Centre for Policy Research(CPR); Jyoti Mishra, researcher; and Sanjay

Kumar, Co-Director, Lokniti Programme, Centre for the Study of Developing Societies (CSDS), for taking out time to validate our directions in structure and content, review our methodology and provide suggestions for refinement. Thanks also to Dr. Murali Karnam, Assistant Professor, NALSAR University of Law, and Raja Bagga for the many observations that helped us refine the final content.

Thanks also to Roshan Kishore and members of the ASER team, Surinder S. Rathi, Alok Aggarwal, Surya Prakash B.S., Anup Surendranath and his team at Project 39A, Shakeb Ayaz, R.C. Arora and Ajit Srivastava, and to Venkatesh Nayak for providing technical assistance in the filing of RTI requests. Thanks too to Pawani Mathur and Lakhwinder Kaur for their research at various phases of the project, as well to Kakoli Roy, Sarthak Roy and Mohan Sundaram for the external support offered.

It is an honour to have Justice M.N. Venkatachaliah endorse the report and write the foreword.

Our very special appreciation goes out to Justice Madan B. Lokur, who has been a champion and guide at every step, and unstintingly spared time for all of us.

Lastly, but perhaps most importantly, I would like to thank the core team who have worked tirelessly and steadfastly on this report. Maja Daruwala—Senior Advisor and Editor, who has led the report with rigour and dedication as well as mirth and undying enthusiasm; Valay Singh, who has ably managed both us and the Steering group, ensuring

that the report was well-researched across all pillars; and Niyati Singh, who with quiet fortitude has worked diligently to ensure the timely delivery of this report.

Others within the Tata Trusts team who contributed to the project are Amar Chanchal, Mangala Honawar, Pooja Parvati, Tarini Padukone and Steffi Itola. Thanks also to Debasis Ray, Deepshikha Surendran, Dhanishta Tiwari and the communications teams at Tata Trusts for their help in outreach and dissemination.

While being conscious that this report is a purely quantitative ranking of sub-systems against selected themes, we hope it will lead readers to question how these mechanisms could come close to achieving the quality expected of them, if certain fundamental building blocks, recognized and officially sanctioned, have not been provided for.

In making this a regular ranking exercise, we hope not only to encourage states towards the improvement and betterment of their systems, but also to continuously engage with relevant stakeholders, and the public at large.

After all, justice is the business of us all.

Shireen Vakil

Head, Policy and Advocacy
Tata Trusts

Abbreviations

Addl. DG	Additional Director General of Police	MTEF	Medium Term Expenditure Framework
Addl. IG	Additional Inspector General of Police	NA	Not Available
Addl. SP	Additional Superintendent of Police	NALSA	National Legal Services Authority
ADL. SP	Additional Superintendent of Police	NCMS	National Court Management System
AFSPA	Armed Forces Special Powers Act	NCMSC	National Court Management Systems Committee
AIGP	Assistant Inspector General of Police	NCRB	National Crime Records Bureau
ASI	Assistant Sub Inspector of Police	NJDG	National Judicial Data Grid
ASP	Assistant Superintendent of Police	NOVs	Non Official Visitors
BOVs	Board of Visitors	OBC	Other Backward Classes
BPR&D	Bureau of Police Research and Development	PIO	Public Information Officer
BRICS	Brazil, Russia, India, China and South Africa	PLA	Permanent Lok Adalat
CA	Constitutional Amendments	PLV	Paralegal Volunteer
CAG	Comptroller and Auditor General of India	PP	percentage points
CIC	Central Information Commission	PSI	Prison Statistics India
CrPC	Code of Criminal Procedure	RTI	Right to Information
CSS	Centrally Sponsored Schemes	RTIA	Right to Information Act
CY	Calendar Year	SBE	Statement of Budget Estimates
DGP	Director General of Police	SC	Scheduled Caste
DIG	Deputy Inspector General	SDGs	United Nations Sustainable Development Goals
DLSA	District Legal Service Authority	SE	State Expenditure
DOJ	Department of Justice	SI	Sub Inspector
Dy. SP	Deputy Superintendent of Police	SIC	State Information Commission
FFC	Fourteenth Finance Commission	SLSA	State Legal Services Authority
FY	Financial Year	SP	Superintendent of Police
GDP	Gross Domestic Product	Spl. DGP	Special Director General of Police
HIV	Human Immunodeficiency Virus	SSP	Senior Superintendent of Police
IGP	Inspector General of Police	ST	Scheduled Tribe
LSI	Legal Services Institution	UC	Unified Command
MBBS	Bachelor of Medicine, Bachelor of Surgery	UT	Union Territory
MPF	Modernisation of State Police Forces Scheme	UTP	Undertrial Prisoner
		VIP	Very Important Person

About and team members	ii
About our partners	iii
Foreword by Justice M N Venkatachaliah	v
Acknowledgements	vi
Abbreviations	ix
India in the World	xii
Justice in India	xiii

Introduction	1
Findings	5
Overall ranking	6
Rank and score of states across pillars	7
Ranking human resources	8
Vacancies across the justice system	9
Ranking diversity	10
Share of women in police, prisons, judiciary and legal aid	11
Ranking intention	12
Budgets for the justice system	13
Case clearance rate	14
Comparing lower court pendency	15

▣ Police

Arrested development	19
Police ranking	20
Over 5 years, some gains, some losses	24
States struggle to meet quotas	26
How long will it take for women's share to reach 33%?	28
Rural-urban coverage	31
Indicator-wise data, state score and rank	34

Prisons

Escaping correction	39
Prison ranking	40
Prison occupancy and undertrial prisoners	44
Prison staff vacancies	47
Over 5 years, prisons not seeing improvements	49
Reforming prisons in Telangana	51
Indicator-wise data, state score and rank	52

Judiciary

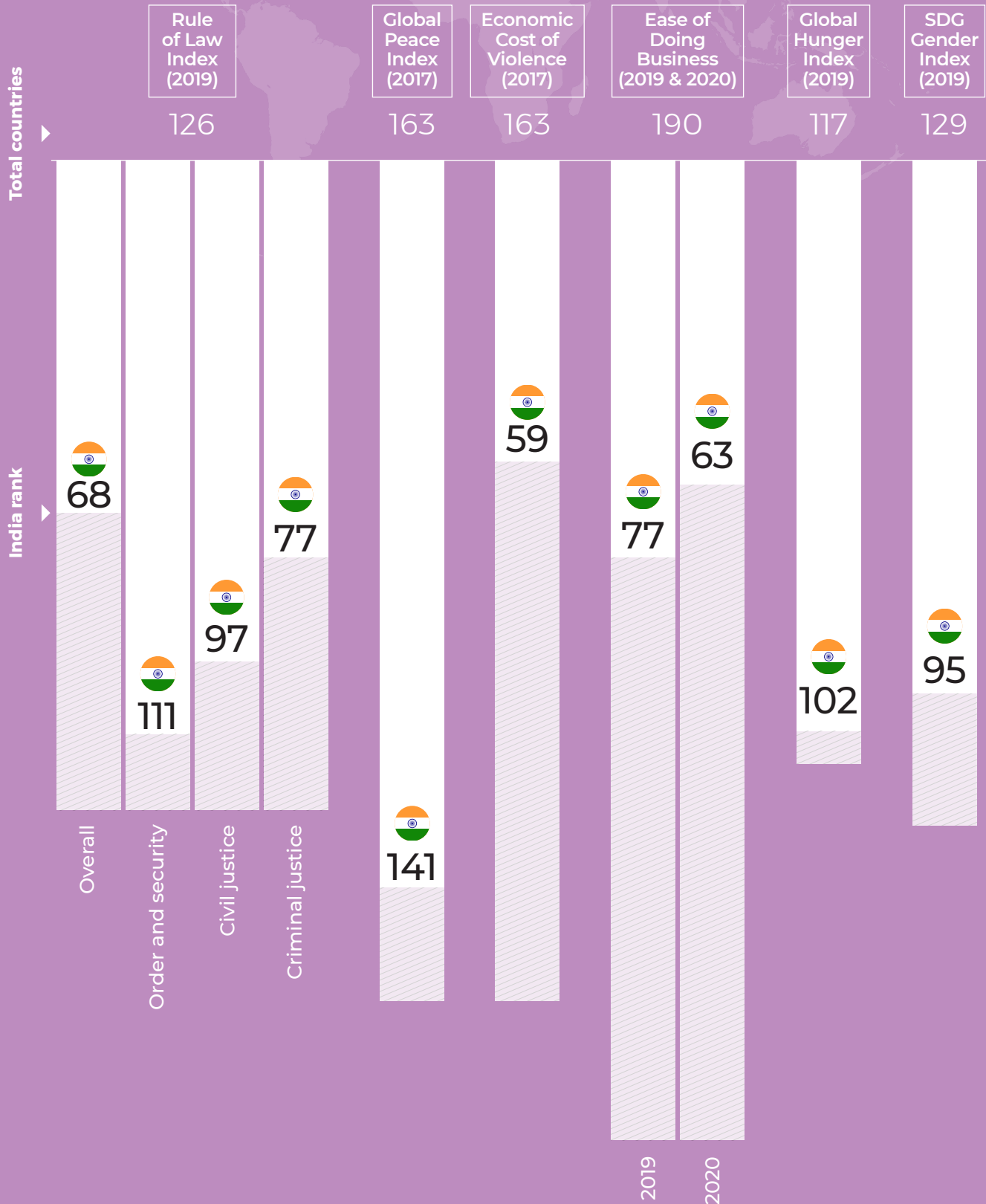
Pending woes	57
Judiciary ranking	58
Judiciary, a lower budgetary priority of the state	61
Over 5 years, improvements in judicial capacity?	63
Lower courts: Vacancy and pendency	65
The glass ceiling in courts	68
Indicator-wise data, state score and rank	72

Legal Aid

Justice for all?	77
Legal aid ranking	78
DLSAs and secretaries	82
Paralegal volunteers per lakh population	84
Lok Adalats: Lowering the burden of courts	87
Indicator-wise data, state score and rank	90

Methodology	94
States of exclusion	99
Accessing the Right to Information	100
Fiscal injustice	105
Conclusion and 7 nudges for a great leap forward	111
Glossary	114
References	124
List of tables, graphs, maps and boxes	127

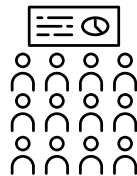
India in the World



Justice in India

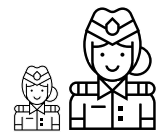
Police force training

Over the last five years, on an average, only **6.4% of the police force have been provided in-service training**. That means that over 90% deal with the public without any up-to-date training.



Diversity in police staff

Representation of **SCs, STs, OBCs and women in the police is poor**, with huge vacancies in the reserved positions.



Women

Women drop off through the ranks.

Women account for just 7% of the 2.4 million police persons in the country, but 6% are at the officer level. Similarly, they account for 28% in the lower judiciary, but this falls to 12% at the High Court level.

Pending court cases



There are **28 million cases pending in Indian subordinate courts** and 24% have been pending for more than 5 years.

Undertrial prisoners



In 2016, **67.7% of India's prison population were undertrial prisoners**. This percentage is higher than what it was a decade ago, 66%.

In Bihar, Uttar Pradesh, West Bengal, Odisha, Gujarat along with Meghalaya and Andaman and Nicobar Islands, at least **one in every four cases has been pending for more than 5 years**.



Correctional staff

There are just **621 correctional staff across India's 1,412 prisons**.



2.3 million cases pending for more than 10 years.

Introduction

Introduction

The administration of justice is a sovereign function. The formal justice system is an essential public resource to be used by all to resolve conflict, adjudicate disputes and remedy wrongs of all kinds. It is not merely of relevance to those who momentarily find themselves in its coils whether as a litigant or as a perpetrator of wrong, as a petitioner, respondent, defendant or accused, as a victim or witness. Rather, it is intended to be a universal public good on which the entire population—without exception—can rely.

Being so, it becomes the duty of every government to provide an accessible, affordable, impartial, efficient and responsive justice system to all. At the moment it is a luxury within reach of only the privileged and powerful. This does not fulfil the constitutional promises, either of 'equality before the law' (Article 14) or the universal duty of all governments to ensure 'the protection of life and personal liberty' (Article 21).

India's commitment to upholding human rights and the rule of law through mechanisms that ensure equality of treatment and equity in outcomes mirrors the many long-standing obligations it has committed itself to honour as a leading member of the international community of nations. Most recently this has been articulated in the form of the universally agreed upon UN Sustainable Development Goals (SDGs). Goal 16 specifically recognises the need to 'provide access to justice for all and to build effective, accountable and inclusive institutions at all levels.' Its targets include promoting the rule of law (16.3), reducing corruption (16.5), developing accountable institutions (16.6) and ensuring public access to information (16.10).

Despite these solemn pledges and undertakings, India's formal justice delivery system has for far too long grappled with outdated legal frameworks, inadequate resources, poor oversight and management and serious issues of quality. The absence of structural and substantive reform in the institutions of the justice system—among them, the police, prisons, judiciary and legal aid—is inexorably leading towards a breakdown of rule of law and the wearing away of public faith in governance and the justice system.

Beyond the moral and normative frame, an unreformed justice system is hampering long-term economic growth. The inability of the system to deliver justice and maintain the rule of law has led to an uptick in violence, which according to the Institute for Economics and Peace, has cost India an equivalent of 9 per cent of its GDP.¹

India Justice Report

India's performance on delivering fair and speedy justice urgently needs to be spurred to reform. This report aims to do just that. It is unique in several respects. For one, in a first of its kind effort the report ranks states according to the level to which they have capacitated themselves to deliver justice to all. It measures the capacity of four pillars of the justice system—the police, the prison system, the judiciary and legal aid—in each state, against its own declared standards or benchmarks. The report consciously makes use of only government data, objective and measurable, to indicate the level to which a particular state has equipped itself to deliver justice to the population. While the report concerns itself only with the structural anatomy of the justice system and eschews direct correlations to perceptions of safety, performance or accountability, its rankings clearly indicate the obstacles these sub-systems face in

¹ 'The Economic Value of Peace 2018: Measuring the Global Economic Impact of Violence and Conflict', Institute for Economics and Peace, Sydney: October 2018. Available at: <http://visionofhumanity.org/reports> (last accessed on 25 June 2019).

delivering to their mandates.

The report clusters states on the basis of population (10 million and above) into eighteen large and mid-sized states (where 90 per cent of India's population lives), seven small states, the seven Union Territories and four states where the Armed Forces (Special Powers) Act is in force.² For the ranking, only the first two clusters have been considered (refer to Methodology).

Where possible, the report uses standards laid down in hard law (e.g. Madhya Pradesh's 16 per cent reservation for Scheduled Castes in the police force) or via policy pronouncements (e.g. 30 per cent to 35 per cent reservation for women for the lower judiciary). Where there are no obvious benchmarks it relies on recommendations made in government policy documents (e.g. the Model Prison Manual, 2016 that set an ideal figure of 6 inmates per 1 jail cadre staff) and official commissions. Elsewhere, it uses a simple 'more/less is better' rule to measure state activity (e.g. the lower the cases pending in subordinate courts for more than 10 years, the better a state's performance relative to others).

The report uses six filters or themes through which it views the four pillars of the justice system: available budgets, infrastructure and human resources. It assesses the burden on its functionaries by way of 'workload'. The report also looks at the extent to which institutions involved in the administration of justice have fulfilled their 'diversity' promises, including and in particular gender diversity. For example, looked at across all pillars, the data in this report shows the percentage of women functionaries amounts to about 10 per cent in prisons, 7 per cent in police and roughly 26.5 per cent in the judiciary.³ Even if states commit to increasing women's representation at a modest additional 1 per cent per annum, it will take most of them and institutions decades to reach even to this aspirational 33 per cent.

Importantly, the report assesses the intention of governments to make year on year improvements

in the administration of justice by comparing data over a five-year period. This 'trend' analysis helps discern each state's intention to improve the delivery of justice and match it with the needs on the ground.

The disaggregation of official data helps pin-point the inflexion points along the ribbon of justice delivery that if tackled can set up a chain reaction towards reform. On the other hand, correlations across pillars lend themselves to the identification of cause and effect that will require multiple repairs to take place simultaneously before they become reformative of the whole.

This first report limits itself only to whether state governments have sufficiently equipped the justice system to administer justice to a reasonable standard. Many who read this report will be concerned by the absence of any attempt to measure quality. After all, statistics can only tell a fragment of the story. While the report refrains from any comment on the quality of justice delivery, much of it can be discerned from indicators such as shortfalls in manpower, infrastructure, the workload burden and trend indicators, in other words quantitative factors which are necessary preconditions to satisfy the qualitative.

Sadly, taken collectively the data paints a grim picture of justice being inaccessible to most. Findings highlight that each individual sub-system is starved for budgets, manpower and infrastructure; no state is fully compliant with standards it has set for itself; gender and diversity targets are improving only sluggishly, and are not likely to be met for decades; and governments are content to create ad hoc and patchwork remedies to cure deeply embedded systemic failures. Inevitably, the burden of all this falls on the public.

This report has deliberately not indulged the temptation to put out yet another slew of recommendations but has kept itself to 7 practical 'nudges'—simple changes which if implemented can have a knock on effect and significantly

² Defined here as states where AFSPA is in place.

³ Approximate figure drawn from gender data RTI'ed by Vidhi Centre for Legal Policy. The High Court figure is dated June 2018, and subordinate courts data is dated July 2017. Subordinate court data was unavailable for Arunachal Pradesh and Lakshadweep.

catalyse the road to reform.

The authors are conscious that this first edition has examined only the most obvious slices of the justice system. There remains much more to measure. Service delivery is strong where accountability is strong. Services work to high satisfaction where the compact between policy maker, service provider, and recipients is effective and welcome, especially where there are asymmetries of power.

In a governance of checks and balances each institution of the state has internal and external agencies responsible for ensuring its honest functioning, the rational deployment of resources and optimum performance. So, an assessment of oversight and performance would have been natural areas of enquiry.

However, for the most part we found complete information about internal oversight of judiciary, police and prisons near impossible to come by. Where this hazily came into view, as, say, with legal-aid monitoring committees or the Board of Visitors (BOVs) of prisons, the information was episodic and incomplete. External oversight bodies, whether directly concerned with police like the newly created police complaints authorities, or the well-established state and national human rights commissions were generally not geared up to provide long-term or real-time information that should by rights have been uniformly available on their websites (see essay on 'Accessing the Right to Information').

Our hope is that states that feel themselves judged harshly through the dry truth of numbers and digits will focus sweat and sinew on implementation. The delivery of justice is an essential service. Today, the system is unable to deliver. It is only when we stop denying the undeniable and defending the indefensible that we can move towards reform and repair of this broken system.

Box 1: Rule of law, economic growth and quality of life

Development and economic growth are impacted by the degree to which the rule of law is upheld. Justice institutions like the judiciary perform a number of economic functions in a market system influencing efficacy and fairness. If one were to juxtapose the World Bank's Ease of Doing Business (2019) rankings with the Rule of Law Index (2019), India ranks 77 (out of 190)⁴ and 68 (out of 126)⁵, respectively. A closer inspection shows India's performance is particularly pulled down by delays in registration of property (69 days) and the enforcement of contracts (1,445 days).⁶ Within the latter, it becomes useful to point out that the country performs poorly in terms of the situation of order and security (111th), delivery of civil justice (97th), and the absence of corruption (80th).⁷ Judicial delays and backlogs, for example, are seen to have a clear impact on the smooth setting up and functioning of businesses.

The rule of law is also irrevocably linked with raising the individual's quality of life. The Ease of Living Index (2018),⁸ which assesses ease of living standards across cities, highlights the importance of improving governance, infrastructure and service delivery, all of which have a direct bearing on the quality of life. There is an emphasis on 'safety and security', quantitatively assessed in terms of the prevalence of violent crime, particularly against vulnerable groups and surveillance.

After all, justice is the business of us all.

Maja Daruwala,
Chief Editor, India Justice Report

4 Doing Business, 2019. Available online at: https://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2019-report_web-version.pdf

5 Rule of Law Index, 2019. Available online at: https://worldjusticeproject.org/sites/default/files/documents/WJPROLI2019_0.pdf

6 Doing Business, 2019, p. 177

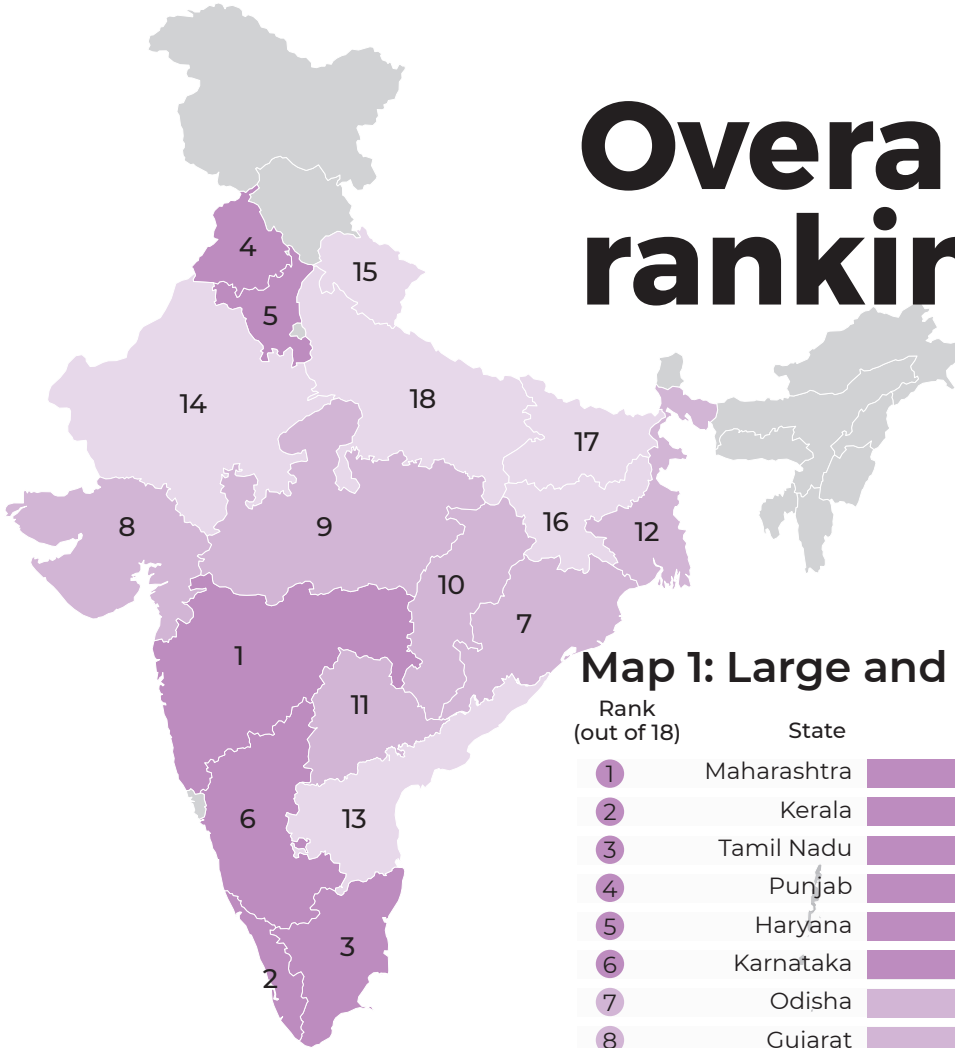
7 Rule of Law Index, 2019, pg. 86

8 Ease of Living Index, 2018. Available online at: <https://www.ipsos.com/sites/default/files/ct/publication/documents/2018-08/ease-of-living-national-report.pdf>



Findings

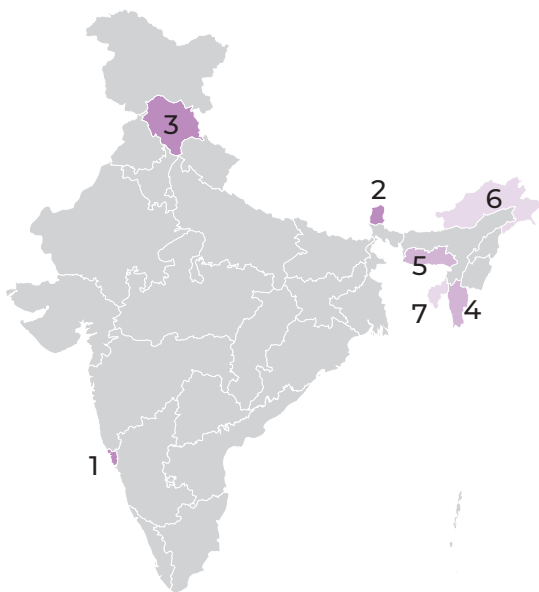
Overall ranking*



* Composite ranking across police, prisons, judiciary and legal aid

Map 1: Large and mid-sized states

Rank (out of 18)	State	Score (out of 10)
1	Maharashtra	5.92
2	Kerala	5.85
3	Tamil Nadu	5.76
4	Punjab	5.53
5	Haryana	5.53
6	Karnataka	5.11
7	Odisha	5.10
8	Gujarat	5.09
9	Madhya Pradesh	5.01
10	Chhattisgarh	4.97
11	Telangana	4.88
12	West Bengal	4.87
13	Andhra Pradesh	4.77
14	Rajasthan	4.52
15	Uttarakhand	4.49
16	Jharkhand	4.30
17	Bihar	4.02
18	Uttar Pradesh	3.32



Map 2: Small states

Rank (out of 7)	State	Score (out of 10)
1	Goa	4.85
2	Sikkim	4.31
3	Himachal Pradesh	4.05
4	Mizoram	3.89
5	Meghalaya	3.81
6	Arunachal Pradesh	3.43
7	Tripura	3.42

Note: 1. Calculated basis population size (18 large and mid-sized states have a population above 10 million, and seven small states below 10 million). 2. Map of Jammu & Kashmir is pre-August 2019. 3. For reasons of readability, the score is shown up to 2 decimals. While they both show the same score, Punjab is ranked above Haryana on the third decimal (5.534 versus 5.528).

How each state scored across the 4 pillars of justice

Table 1: Rank and score for large and mid-sized states

	Rank (out of 18)					Score (out of 10)				
	Overall	Police	Prisons	Judiciary	Legal aid	Overall	Police	Prisons	Judiciary	Legal aid
Maharashtra	1	4	2	4	5	5.92	5.52	6.89	5.96	5.43
Kerala	2	13	1	5	1	5.85	4.43	7.18	5.61	6.58
Tamil Nadu	3	1	10	1	12	5.76	6.49	5.23	6.99	4.65
Punjab	4	3	16	2	3	5.53	5.61	4.35	6.57	5.84
Haryana	5	8	11	3	2	5.53	5.14	4.79	6.23	6.09
Karnataka	6	6	3	16	7	5.11	5.32	6.50	3.76	5.22
Odisha	7	7	5	9	15	5.10	5.17	5.94	4.78	4.61
Gujarat	8	12	9	7	6	5.09	4.55	5.23	5.32	5.30
Madhya Pradesh	9	15	7	6	9	5.01	4.24	5.30	5.61	4.98
Chhattisgarh	10	10	8	12	8	4.97	4.91	5.24	4.64	5.13
Telangana	11	11	13	11	4	4.88	4.86	4.48	4.68	5.58
West Bengal	12	16	4	10	13	4.87	4.20	6.12	4.70	4.64
Andhra Pradesh	13	5	15	13	10	4.77	5.36	4.35	4.49	4.93
Rajasthan	14	17	12	8	11	4.52	3.77	4.72	5.04	4.67
Uttarakhand	15	2	17	15	17	4.49	5.88	3.72	4.17	4.46
Jharkhand	16	9	18	14	14	4.30	4.94	3.46	4.30	4.63
Bihar	17	14	6	18	16	4.02	4.28	5.61	2.41	4.52
Uttar Pradesh	18	18	14	17	18	3.32	2.98	4.42	3.70	2.50

States arranged in decreasing order of overall rank in cluster

Table 2: Rank and score for small states

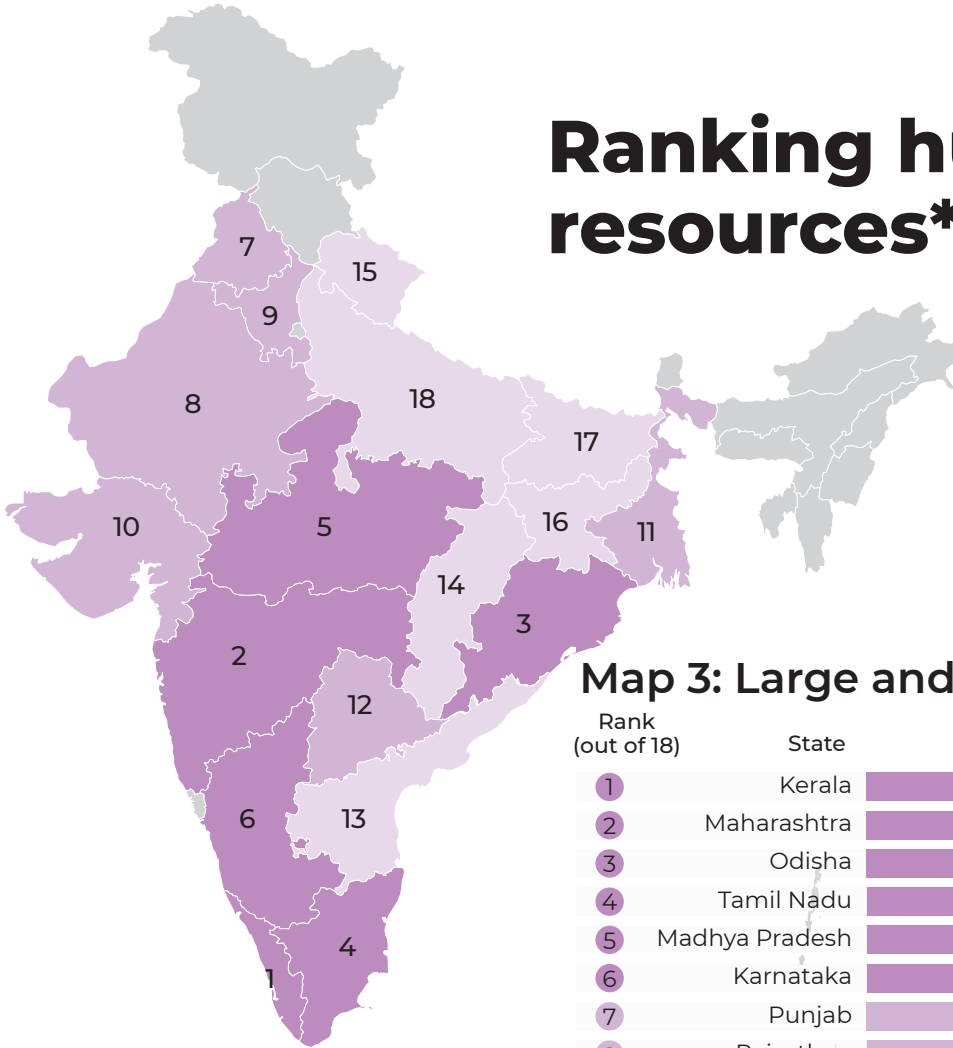
	Rank (out of 7)					Score (out of 10)				
	Overall	Police	Prisons	Judiciary	Legal aid	Overall	Police	Prisons	Judiciary	Legal aid
Goa	1	3	1	2	1	4.85	3.69	5.30	5.19	5.47
Sikkim	2	1	7	1	4	4.31	5.66	3.43	5.36	3.30
Himachal Pradesh	3	6	6	3	3	4.05	3.41	3.46	4.95	4.60
Mizoram	4	7	4	5	2	3.89	3.35	3.99	3.66	4.66
Meghalaya	5	5	2	4	6	3.81	3.53	5.24	3.74	3.03
Arunachal Pradesh	6	2	3	7	7	3.43	4.51	4.10	2.81	2.67
Tripura	7	4	5	6	5	3.42	3.58	3.49	3.59	3.05

States arranged in decreasing order of overall rank in cluster

Note: For reasons of readability, the score is shown up to 2 decimals. While 2 or more states may show the same score in the table, one is ranked above the other on the third decimal. This happens in the following instances:

1. Overall: Punjab above Haryana (5.534 versus 5.528)
2. Judiciary: Kerala above Madhya Pradesh (5.611 versus 5.606)
3. Prisons: Gujarat above Tamil Nadu (5.233 versus 5.231), and Andhra Pradesh above Punjab (4.352 versus 4.351)

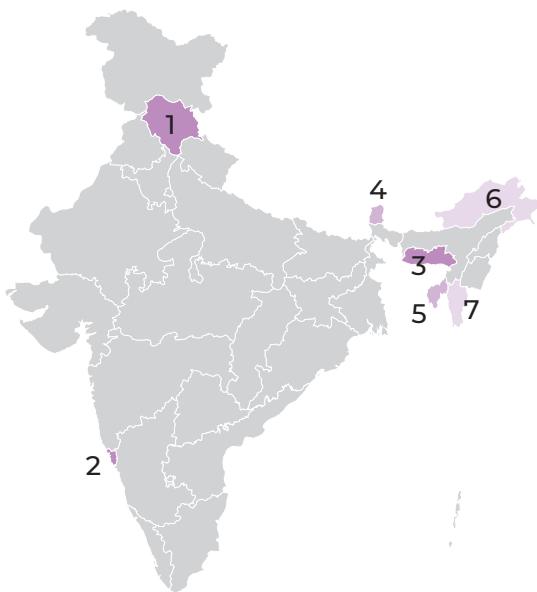
Ranking human resources*



* How do the police, prisons, judiciary and legal aid score on our 16 indicators? Indicators listed on Page 16.

Map 3: Large and mid-sized states

Rank (out of 18)	State	Score (out of 10)
1	Kerala	7.45
2	Maharashtra	7.33
3	Odisha	6.44
4	Tamil Nadu	5.88
5	Madhya Pradesh	5.88
6	Karnataka	5.81
7	Punjab	5.77
8	Rajasthan	5.74
9	Haryana	5.60
10	Gujarat	5.42
11	West Bengal	4.63
12	Telangana	4.63
13	Andhra Pradesh	4.47
14	Chhattisgarh	4.38
15	Uttarakhand	4.19
16	Jharkhand	4.13
17	Bihar	3.43
18	Uttar Pradesh	3.13



Map 4: Small states

Rank (out of 7)	State	Score (out of 10)
1	Himachal Pradesh	4.55
2	Goa	4.07
3	Meghalaya	3.83
4	Sikkim	3.49
5	Tripura	3.19
6	Arunachal Pradesh	2.33
7	Mizoram	2.28

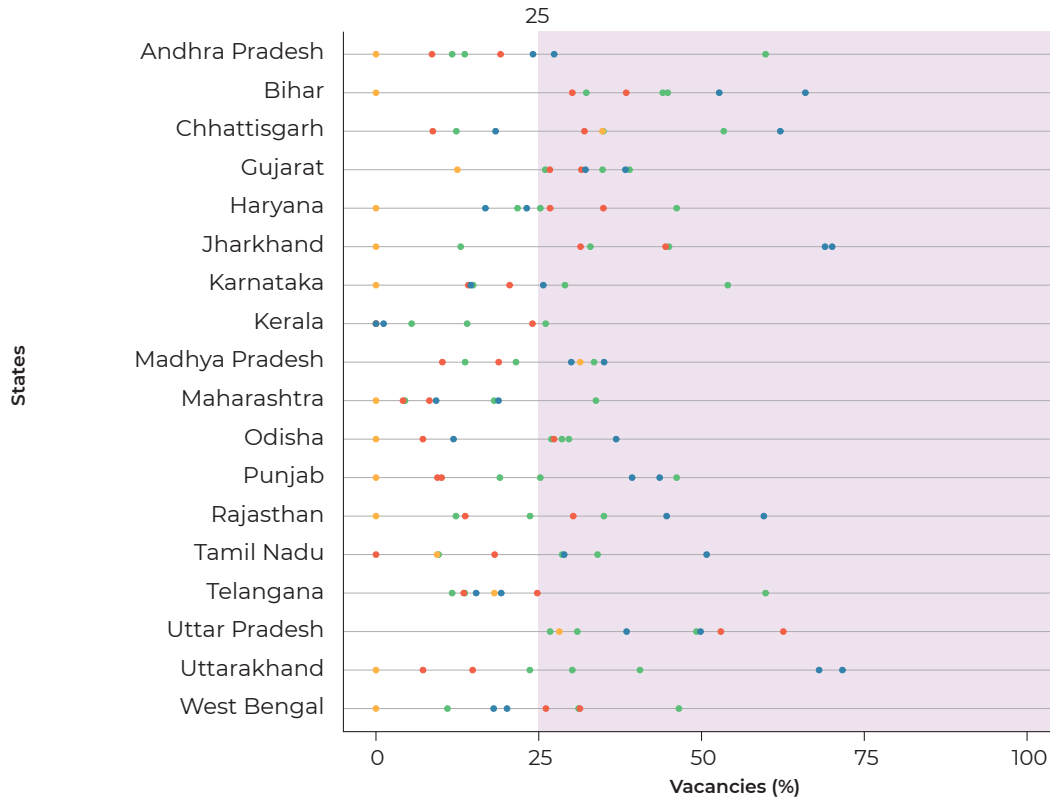
Note: 1. Map of Jammu & Kashmir is pre-August 2019. 2. For reasons of readability, the score is shown up to 2 decimals. While they both show the same score, Tamil Nadu is ranked above Madhya Pradesh on the third decimal (5.883 versus 5.876) and West Bengal above Telangana (4.634 versus 4.627).

Figure 1: Vacancies across the justice system

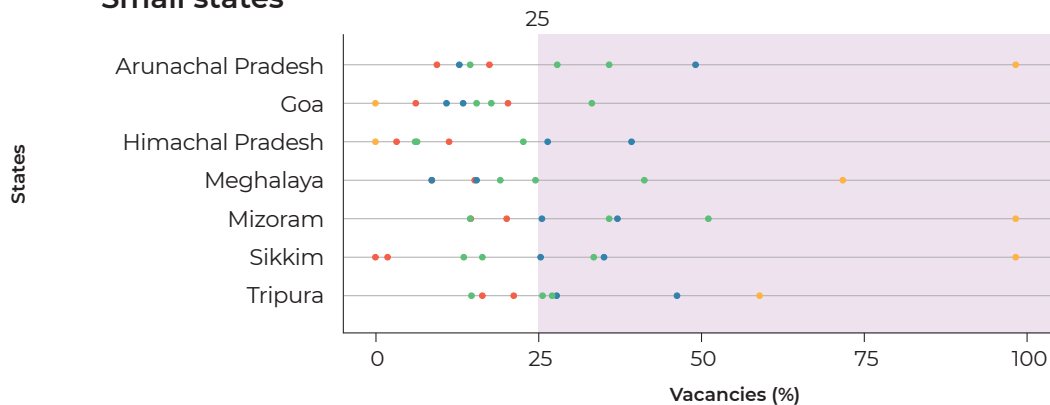
We looked at vacancies on 8 key personnel counts across the 4 pillars. Many states, of all sizes, have vacancies that exceed 25% of the state's own sanctioned strength. The chart pinpoints vacancies across all four pillars.

1. ● Police: Constables, vacancy (% , Jan 2017)
2. ● Police: Officers, vacancy (% , Jan 2017)
3. ● Prisons: Officers, vacancy (% , Dec 2016)
4. ● Prisons: Cadre staff, vacancy (% , Dec 2016)
5. ● Judiciary: High Court judge vacancy (% , 2016-17)
6. ● Judiciary: Subordinate court judge vacancy (% , 2016-17)
7. ● Judiciary: High Court staff vacancy (% , 2016-17)
8. ● Legal aid: DLSA secretary vacancy (% , 2019)

Large and mid-sized states

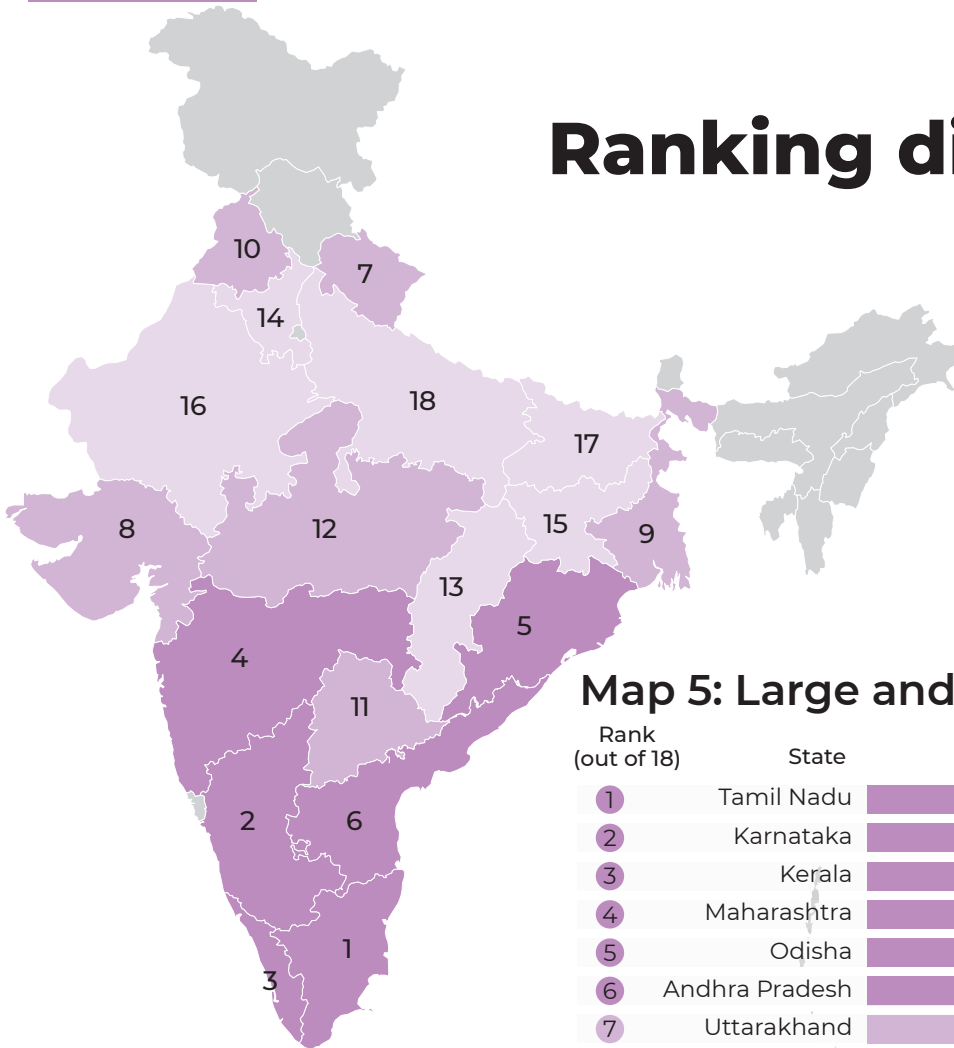


Small states



Data sources: Data on Police Organizations, Bureau of Police Research and Development (BPR&D); Prison Statistics India (PSI), National Crime Records Bureau (NCRB); Court News, Supreme Court of India; National Legal Services Authority (NALSA).

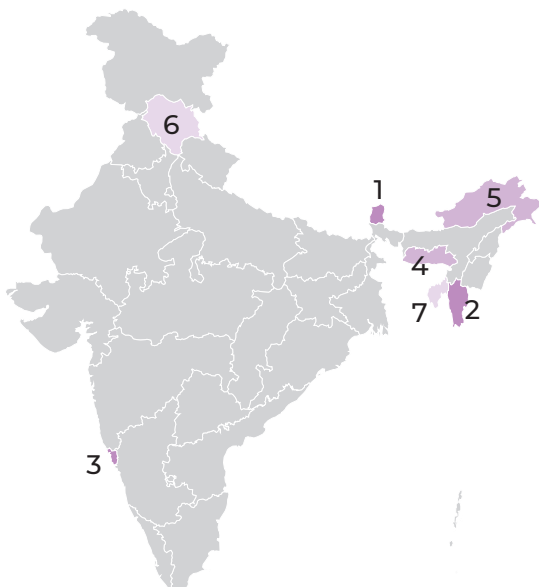
Ranking diversity*



* How do the police, prisons, judiciary and legal aid score on 10 diversity indicators? Indicators listed on Page 16.

Map 5: Large and mid-sized states

Rank (out of 18)	State	Score (out of 10)
1	Tamil Nadu	7.01
2	Karnataka	6.31
3	Kerala	6.12
4	Maharashtra	5.64
5	Odisha	4.83
6	Andhra Pradesh	4.80
7	Uttarakhand	4.73
8	Gujarat	4.24
9	West Bengal	4.04
10	Punjab	3.92
11	Telangana	3.85
12	Madhya Pradesh	3.78
13	Chhattisgarh	3.76
14	Haryana	3.74
15	Jharkhand	3.62
16	Rajasthan	3.54
17	Bihar	3.14
18	Uttar Pradesh	2.16



Map 6: Small states

Rank (out of 7)	State	Score (out of 10)
1	Sikkim	5.78
2	Mizoram	4.20
3	Goa	4.10
4	Meghalaya	4.01
5	Arunachal Pradesh	2.76
6	Himachal Pradesh	2.60
7	Tripura	2.39

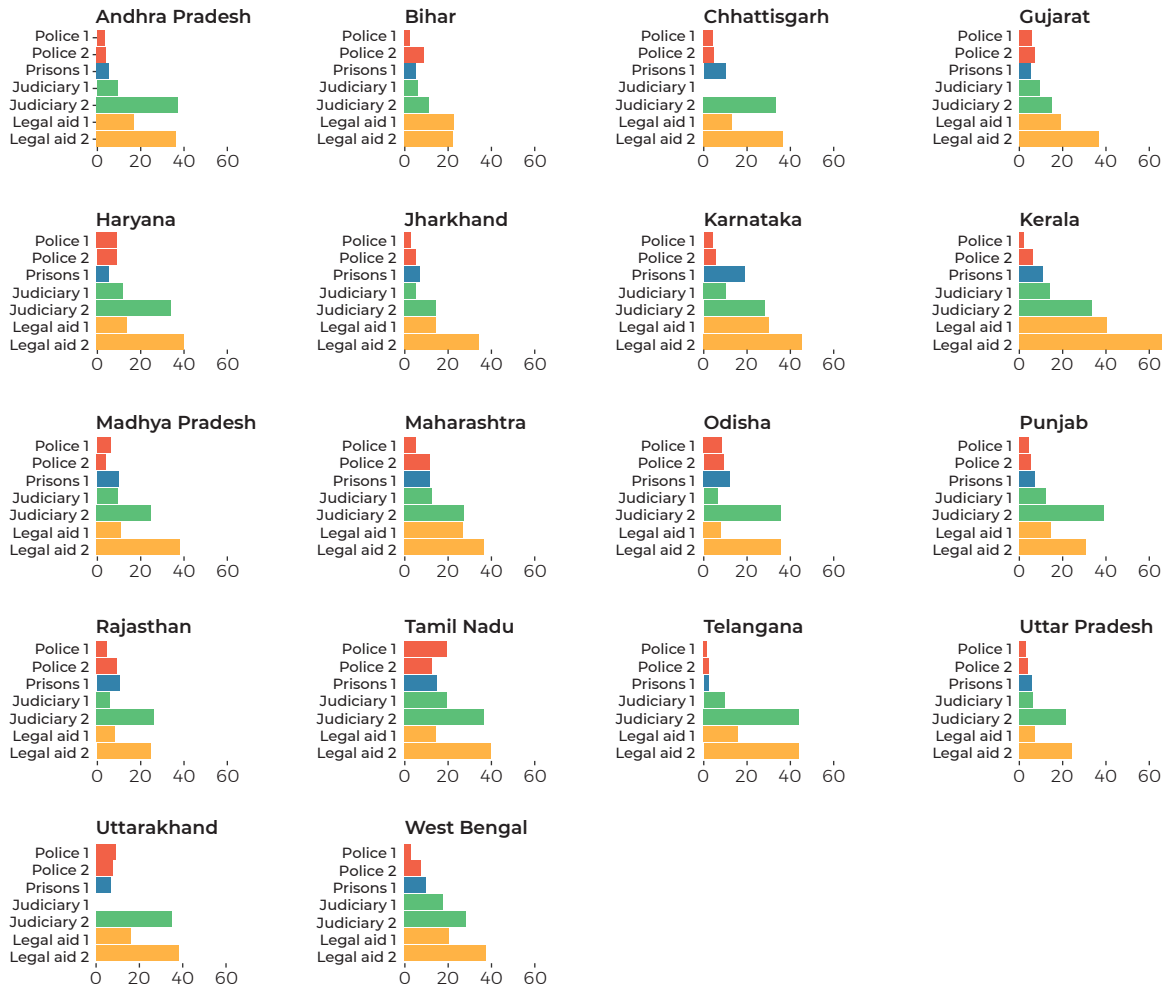
Note: 1. Map of Jammu & Kashmir is pre-August 2019.

Figure 2: Share of women in police, prisons, judiciary and legal aid

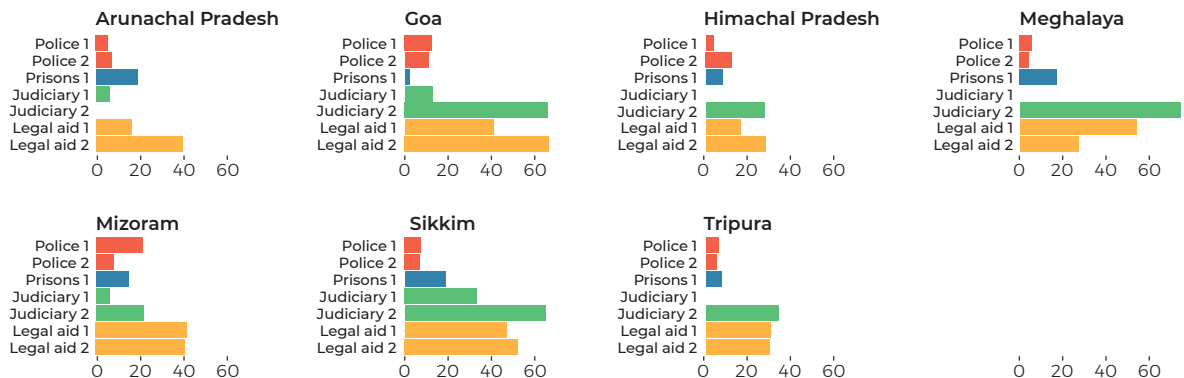
We looked at women representation on 7 key counts across the 4 pillars.

Police	Prisons	Judiciary	Legal aid
1. Share of women in police (% , Jan 2017)	1. Women in prison staff (% , Dec 2016)	1. Women judges (High Court) (% , Jun 2018)	1. Women panel lawyers (% , Jan 2019)
2. Share of women in officers (% , Jan 2017)		2. Women judges (sub. court) (% , Jul 2017)	2. Women PLVs (% , Jan 2019)

Large and mid-sized states

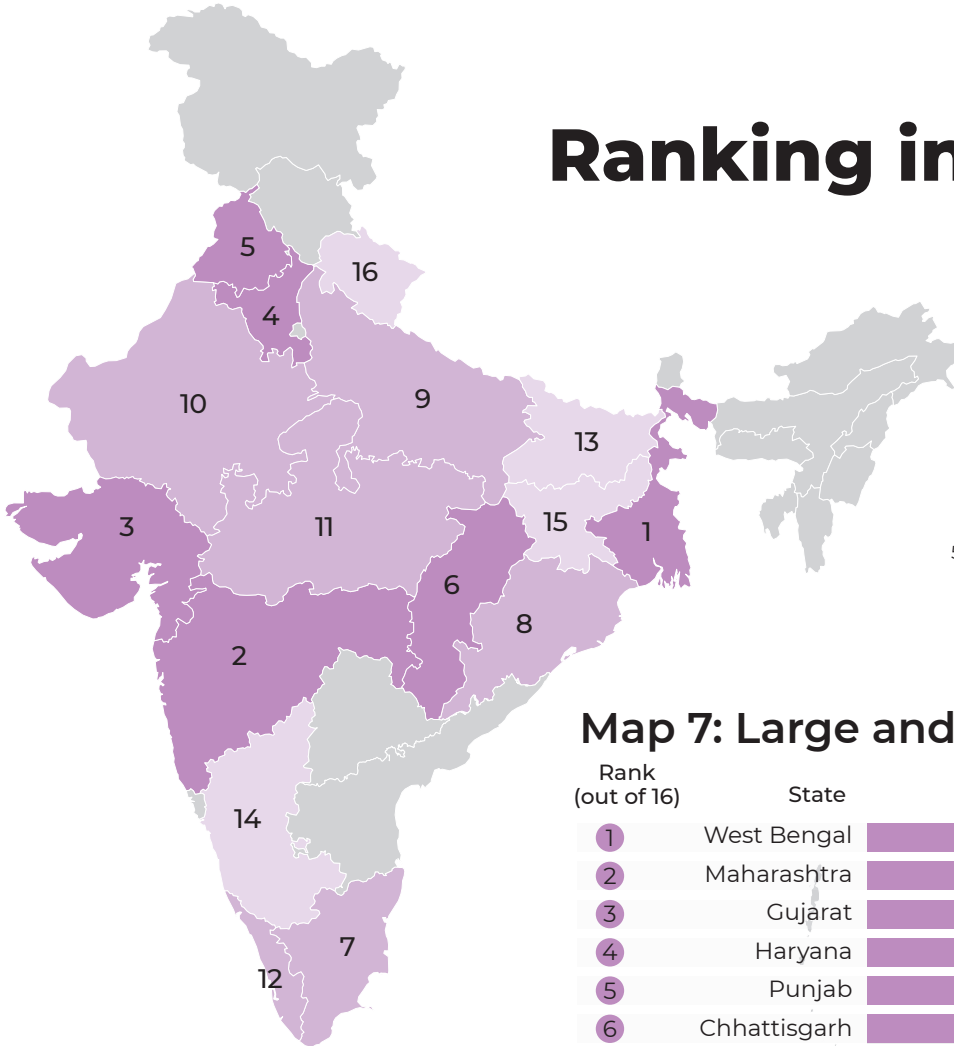


Small states



Data sources: Data on Police Organizations, Bureau of Police Research and Development (BPR&D); Prison Statistics India (PSI), National Crime Records Bureau (NCRB); Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy; National Legal Services Authority (NALSA).

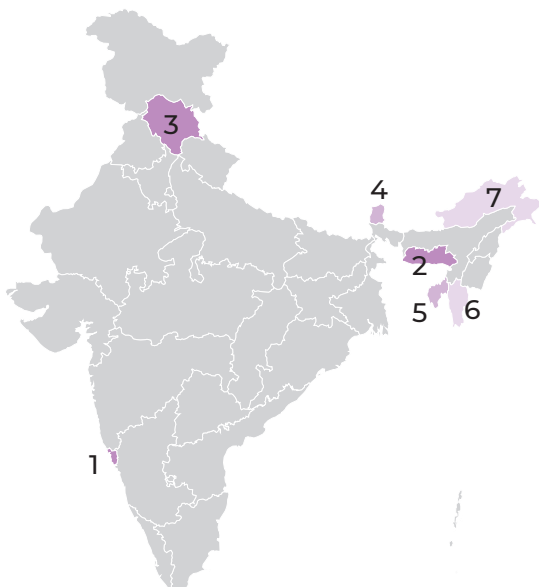
Ranking intention*



* What the trends show based on 5-year data for 23 indicators across police, prisons, judiciary and legal aid. Indicators listed on Page 16.

Map 7: Large and mid-sized states

Rank (out of 16)	State	Score (out of 10)
1	West Bengal	5.70
2	Maharashtra	5.68
3	Gujarat	5.65
4	Haryana	5.47
5	Punjab	5.38
6	Chhattisgarh	5.29
7	Tamil Nadu	5.16
8	Odisha	4.95
9	Uttar Pradesh	4.68
10	Rajasthan	4.45
11	Madhya Pradesh	4.22
12	Kerala	4.14
13	Bihar	4.05
14	Karnataka	3.98
15	Jharkhand	3.96
16	Uttarakhand	3.87



Map 8: Small states

Rank (out of 7)	State	Score (out of 10)
1	Goa	6.41
2	Meghalaya	5.57
3	Himachal Pradesh	4.86
4	Sikkim	4.49
5	Tripura	4.34
6	Mizoram	3.79
7	Arunachal Pradesh	3.61

Note: 1. Map of Jammu & Kashmir is pre-August 2019. 2. Andhra Pradesh and Telangana are not included as 5-year data for these states was not available separately.

Figure 3: Budgets for the justice system

The chart below points to the difference in spend. Most budget allocations for justice don't keep up with the increase in overall state expenditure.

Average difference in spend: pillar vs state (percentage points, FY '12-'16)

■ Exceeds increase in total state's expenditure

Large and mid-sized states

	Police	Prisons	Judiciary
Bihar	-2.37	6.57	-9.81
Chhattisgarh	-1.53	1.35	-5.47
Gujarat	-1.42	-21.76	-1.45
Haryana	-2.94	-0.05	-0.34
Jharkhand	-4.58	-2.08	-9.06
Karnataka	-0.42	-1.25	-6.45
Kerala	0.52	0.53	-2.16
Madhya Pradesh	-0.29	-3.48	-4.56
Maharashtra	0.08	1.95	-1.03
Odisha	-6.11	26.33	-7.97
Punjab	6.04	7.06	6.77
Rajasthan	-5.92	-1.84	-12.59
Tamil Nadu	-1.90	2.12	-3.29
Uttar Pradesh	-4.84	-4.42	-7.38
Uttarakhand	-1.67	0.86	-5.86
West Bengal	-3.92	-6.39	-9.66

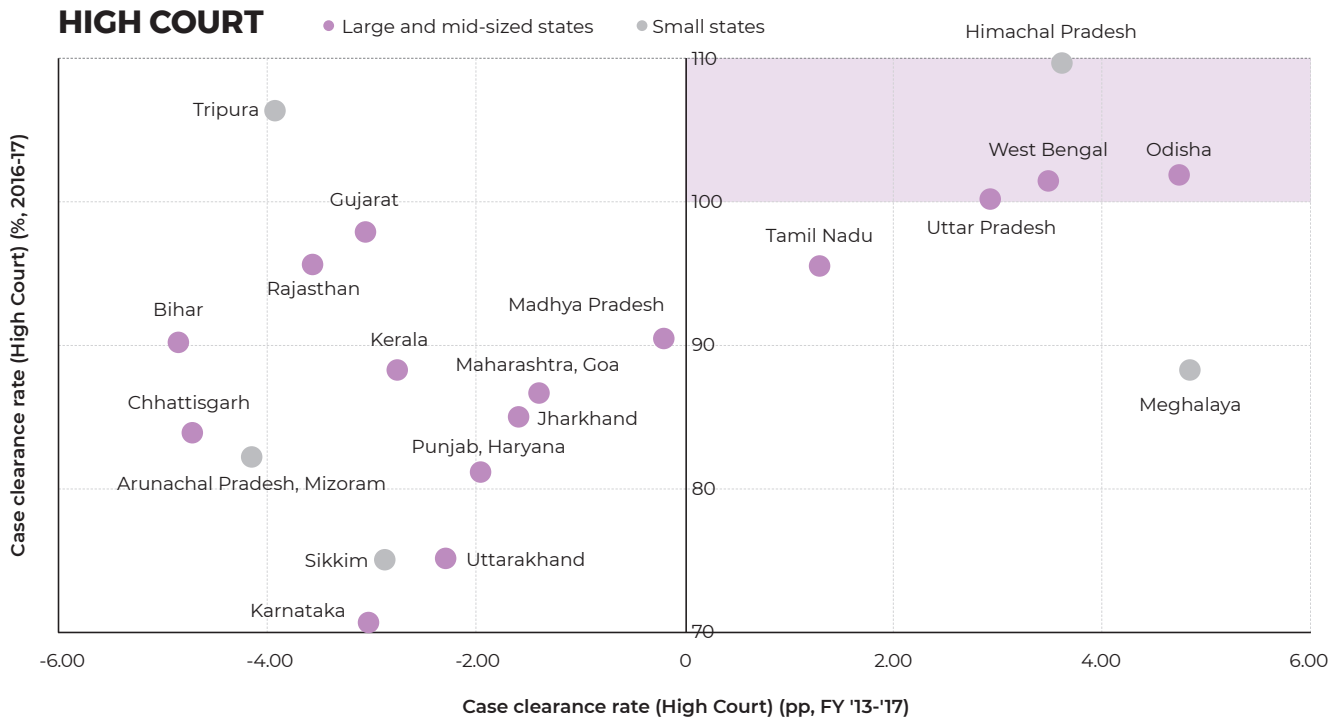
Small states

	Police	Prisons	Judiciary
Arunachal Pradesh	5.28	7.37	36.00
Goa	2.92	5.93	-1.18
Himachal Pradesh	0.88	-1.27	-3.08
Meghalaya	1.85	105.22	21.33
Mizoram	-4.82	112.97	-2.08
Sikkim	6.50	3.03	8.16
Tripura	-4.75	-9.38	-2.07

Data source: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Open Budgets India
Note: Andhra Pradesh and Telangana are not included as their 5-year data was not available separately.

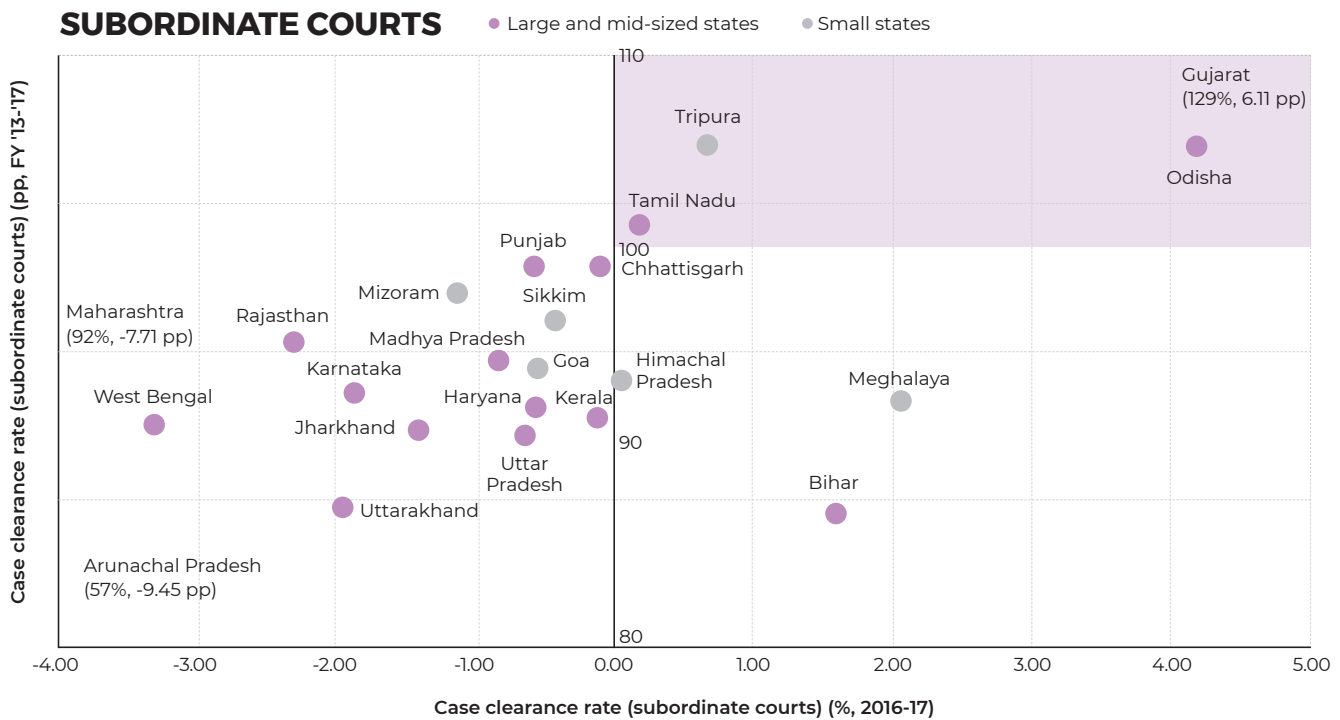
Figure 4: Case clearance rate

Case Clearance Rate (CCR) is the number of cases cleared in a year measured against the cases filed that year. The graph below captures the CCR for 2016-17, measured against the average change in the CCR for the period 2013-17. As indicated in the highlighted area, only a handful of states have a CCR of more than 100%, having also managed to increase it over 5 years.



Data source: Court News, Supreme Court of India

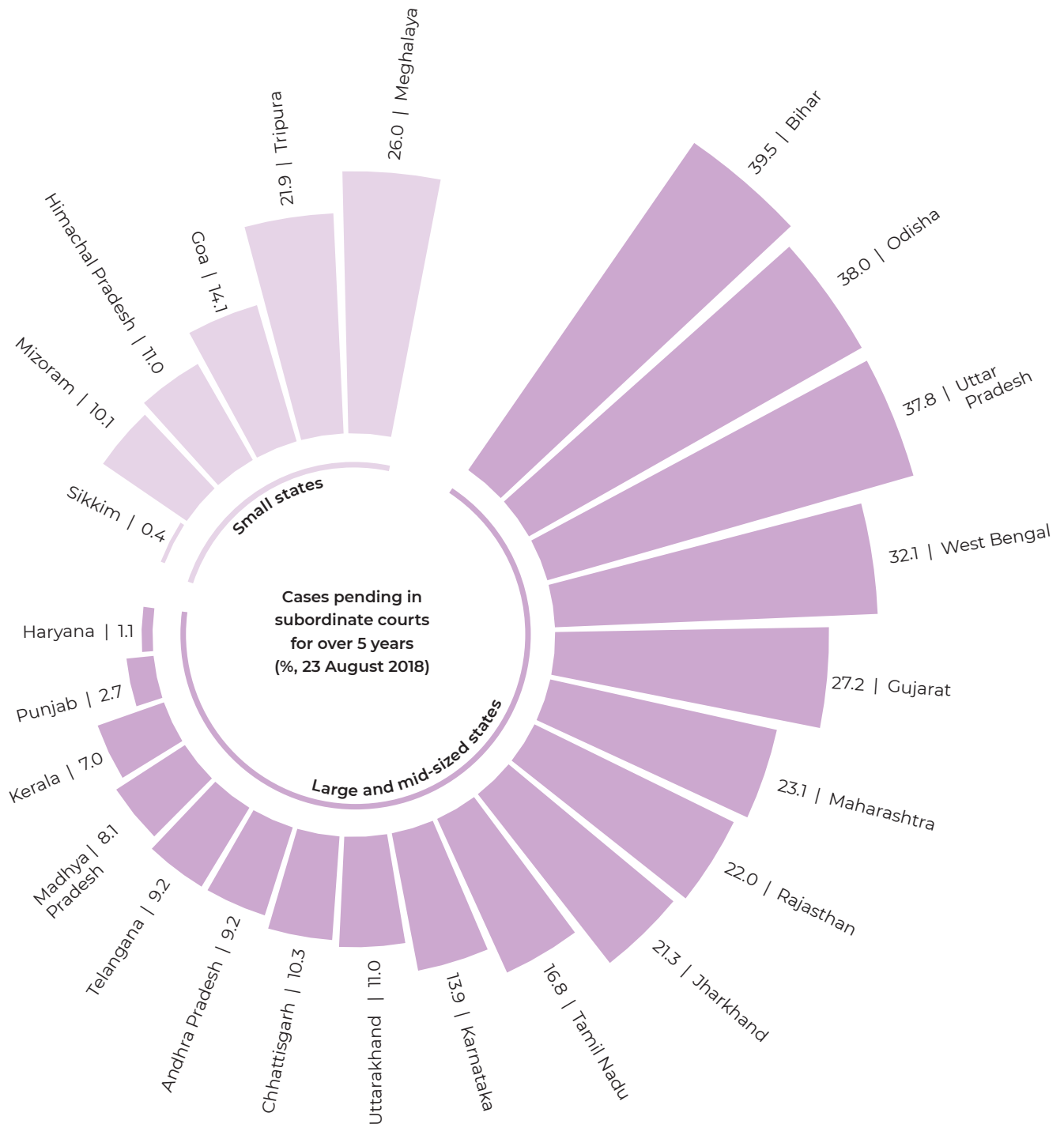
Notes: 1. Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately. 2. States that share a High Court have been assigned identical values for High Court indicators. Here, these are Arunachal Pradesh and Mizoram; Maharashtra and Goa; and Punjab and Haryana. 3. High Court cases data was not available for 2011-12 for Meghalaya and Tripura. Hence, a 4-year trend has been computed for these states for this indicator.



Data source: Court News, Supreme Court of India; Notes: 1. Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately. 2 In order to manage the scaling, Arunachal Pradesh, Gujarat and Maharashtra have not been plotted on the graphic. However, these 3 states are placed in their respective quadrants, along with respective values.

Figure 5: Comparing lower court pendency

More than 20% of ongoing court cases have been pending for over 5 years in 8 of the 18 large and mid-sized states, and 2 of the 6 small states for which data was available.



Data source: Data from National Judicial Data Grid scraped by Daksh
 Note: Data not available for Arunachal Pradesh.

List of indicators on preceding map pages

Ranking Human Resources

POLICE

1. Constables, vacancy (% , Jan 2017)
2. Officers, vacancy (% , Jan 2017)
3. Officers in civil police (% , Jan 2017)

PRISONS

4. Officers, vacancy (% , Dec 2016)
5. Cadre staff, vacancy (% , Dec 2016)
6. Correctional staff, vacancy (% , Dec 2016)
7. Medical staff, vacancy (% , Dec 2016)
8. Medical officers, vacancy (% , Dec 2016)

JUDICIARY

9. Population per High Court judge (2016-17)
10. Population per sub. court judge (2016-17)
11. High Court judge vacancy (% , 2016-17)
12. Sub. court judge vacancy (% , 2016-17)
13. High Court staff vacancy (% , 2016-17)

LEGAL AID

14. DLSA secretary vacancy (% , 2019)
15. PLVs per lakh population (number, Jan 2019)
16. Sanctioned secretaries as % of DLSAs (% , 2019)

Ranking Diversity

POLICE

- Share of women in police (% , Jan 2017)
- Share of women in officers (% , Jan 2017)
- SC officers, actual to reserved ratio (% , Jan 2017)
- ST officers, actual to reserved ratio (% , Jan 2017)
- OBC officers, actual to reserved ratio (% , Jan 2017)

PRISONS

- Women in prison staff (% , Dec 2016)

JUDICIARY

- Women judges (High Court) (% , Jun 2018)
- Women judges (sub. court) (% , Jul 2017)

LEGAL AID

- Women panel lawyers (% , Jan 2019)
- Women PLVs (% , Jan 2019)

Ranking Intention

POLICE

- Women in total police (pp, CY '12-'16)
- Women officers in total officers (pp, CY '12-'16)
- Constable vacancy (pp, CY '12-'16)
- Officer vacancy (pp, CY '12-'16)
- Difference in spend: police vs state (pp, FY '12-'16)

PRISONS

- Officer vacancy (pp, CY '12-'16)
- Cadre staff vacancy (pp, CY '12-'16)
- Share of women in prison staff (pp, CY '12-'16)
- Inmates per prison officer (% , CY '12-'16)
- Inmates per cadre staff (% , CY '12-'16)
- Share of undertrial prisoners (pp, CY '12-'16)
- Spend per inmate (% , FY '13-'17)
- Prison budget used (pp, FY '13-'17)
- Difference in spend: prisons vs state (pp, FY '12-'16)

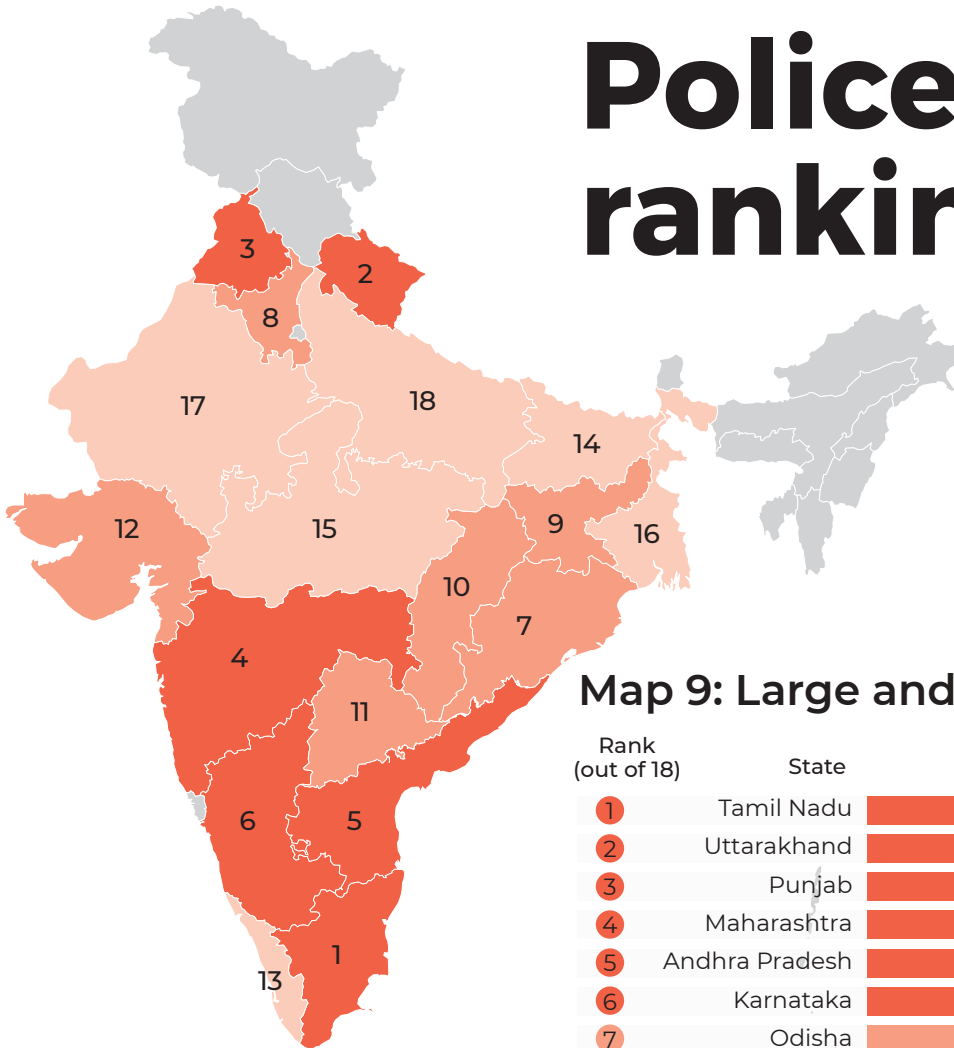
JUDICIARY

- Cases pending (per High Court judge) (% , FY '13-'17)
- Cases pending (per sub. court judge) (% , FY '13-'17)
- Total cases pending (High Court) (% , FY '13-'17)
- Total cases pending (sub. court) (% , FY '13-'17)
- Judge vacancy (High Court) (pp, FY '13-'17)
- Judge vacancy (sub. court) (pp, FY '13-'17)
- Case clearance rate (High Court) (pp, FY '13-'17)
- Case clearance rate (sub. court) (pp, FY '13-'17)
- Difference in spend: judiciary vs state (pp, FY '12-'16)



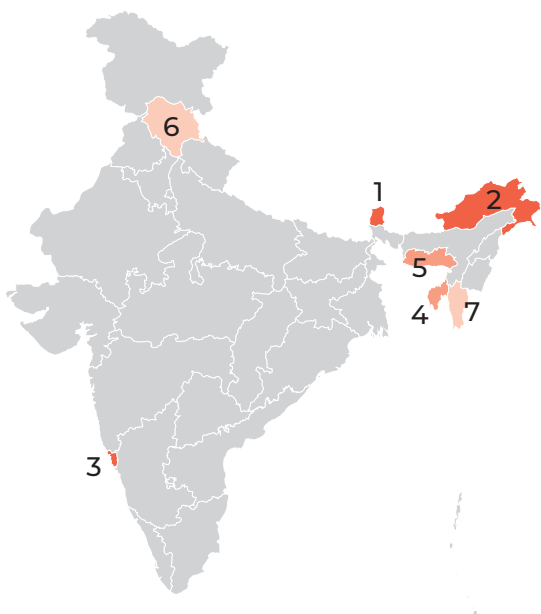
Police

Police ranking



Map 9: Large and mid-sized states

Rank (out of 18)	State	Score (out of 10)
1	Tamil Nadu	6.49
2	Uttarakhand	5.88
3	Punjab	5.61
4	Maharashtra	5.52
5	Andhra Pradesh	5.36
6	Karnataka	5.32
7	Odisha	5.17
8	Haryana	5.14
9	Jharkhand	4.94
10	Chhattisgarh	4.91
11	Telangana	4.86
12	Gujarat	4.55
13	Kerala	4.43
14	Bihar	4.28
15	Madhya Pradesh	4.24
16	West Bengal	4.20
17	Rajasthan	3.77
18	Uttar Pradesh	2.98



Map 10: Small states

Rank (out of 7)	State	Score (out of 10)
1	Sikkim	5.66
2	Arunachal Pradesh	4.51
3	Goa	3.69
4	Tripura	3.58
5	Meghalaya	3.53
6	Himachal Pradesh	3.41
7	Mizoram	3.35

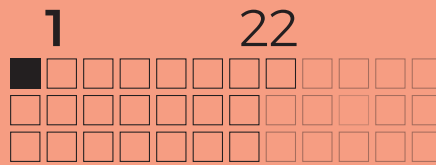
Note: Map of Jammu & Kashmir is pre-August 2019.

The capacity deficits

□ Data available ■ Meeting



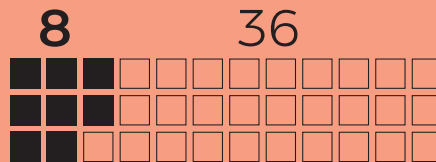
Modernisation



Only 1 state was able to fully utilise its police Modernisation Fund.



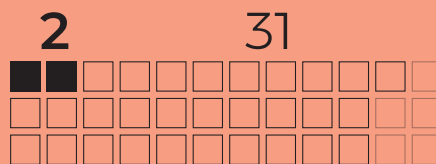
Women staff



Number of states and Union Territories where women account for more than 10% of the police force.



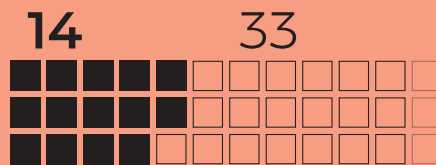
Reservation



The number of states and Union Territories that have met at least 80% of their declared quotas.



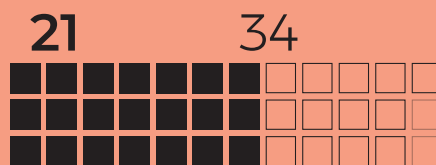
Budgets



The number of states and Union Territories whose police expenditure grew more than their state expenditure, over 5 years.

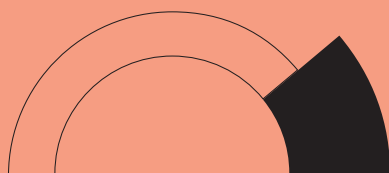


Filling vacancies

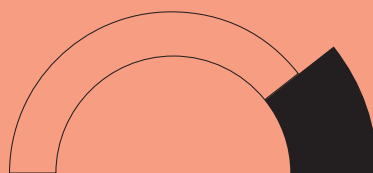


The number of states and Union Territories that have reduced constable vacancies, over 5 years.

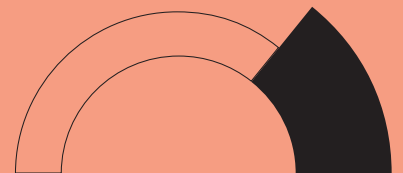
The vacancies



Total
22%



Constables
21%



Officers
28%

Police: Arrested development

The police's capacity to deliver is determined by how well the State provisions the police with adequate budgets, personnel, and infrastructure to fulfil its varied and multifarious duties.

Efficient, responsive, and accountable policing is critical to achieving an enabling environment that assures safety, security and a setting within which everyone can enjoy their fundamental rights.

Each state in India has its own autonomous police department made up of personnel from two distinct cadres—the state police service, and at higher levels, officers drawn from the Indian Police Service. The state police has two arms: civil police and armed police. This report considers only the former (which includes the district armed reserve) that is primarily tasked with the core police work of law enforcement, protection of life and property, and crime registration and investigation, among myriad other tasks.

Human Resources

Indicator

- Constables, vacancy (% , Jan 2017)
- Constable vacancy (pp, CY '12-'16)
- Officers, vacancy (% , Jan 2017)
- Officer vacancy (pp, CY '12-'16)
- Population per civil police (persons, Jan 2017)

Each state fixes what its sanctioned human resources should be, based on several factors such as the available budget, areas to be covered, population distribution, crime figures and trends.

The bulk of the constabulary is involved in manning police stations and responsible for patrolling, surveillance, guard duties, and maintaining law and order.

At the heart of policing lies the capacity of its human resource. Yet, India—the second most populous nation in the world—at 151¹ police persons for 100,000 population has one of the lowest police to population ratios in the world.² Illustratively, its BRICS partners Russia³ and South Africa⁴ with far smaller populations have two to three times India's ratio. The national average of policemen on the ground is itself 42 persons short of the sanctioned strength which averages 193 for 100,000 population. The constabulary make up 85 per cent of the police and officers 15 per cent.

In several states the sanctioned strength falls below the national average (151 for 100,000 population⁵): e.g. Bihar (108), Madhya Pradesh (147), Rajasthan (142). The actual strength per 100,000 population on the ground dips down even lower, as in Madhya Pradesh (125), Gujarat (120), Rajasthan (122) and Uttar Pradesh (90). Bihar has the lowest (75).

Where the constabulary is concerned, as of January 2017, thirty-one states and Union Territories (UTs) fell short of the required number. Amongst all the states, Kerala, Nagaland and Tamil Nadu were the only ones that had reached the sanctioned strength. Among the Union Territories (UTs), only Delhi and Andaman and Nicobar Islands had. Of the eighteen large and mid-sized states, six states, namely Haryana, Bihar, West Bengal, Jharkhand, Gujarat and Uttar Pradesh had a shortfall of at least 25 per cent. Uttar Pradesh, with a shortfall of 53 per cent, was working at near half its sanctioned capacity. The seven small states did relatively better, with shortfalls in Sikkim, Goa and Himachal Pradesh at less than 7 per cent. Mizoram, however, was short by 20 per cent. Among the UTs, Dadra and Nagar Haveli had the lowest constabulary

shortfall of just 2 per cent.

At the officer level—from Assistant Sub-Inspector to Director General of Police—shortfalls are even more critical because this group includes investigating officers; heads of police stations, sub-divisions and districts. These officers supervise police work, make decisions on recruitment, transfers and postings, and plan for policing. All states and UTs registered various degrees of shortfall except Sikkim, a small state, which exceeded its sanctioned strength. As of January 2017, Lakshadweep's vacancies stood at 66 per cent; Uttar Pradesh's at just below 63 per cent, Andaman and Nicobar had 56 per cent vacancy; and Jharkhand 44 per cent. Six other states and UTs were functioning with 30 per cent or more officer vacancy levels. Of the remaining states and

Across the country, according to the latest available information (BPR&D 2012), 47,557 police personnel are protecting 14,842 VIPs.⁶

UTs, eight states had vacancy levels between 20 per cent and 30 per cent and eleven had shortfalls between 10 per cent and 20 per cent. Only four states and two UTs (Chandigarh and Delhi) had vacancies below 10 per cent.

Across the nation, efforts to remedy the situation

NOTE: Four states (Assam, Jammu and Kashmir [pre-August 2019], Manipur and Nagaland), and the 7 UTs (Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Lakshadweep and Puducherry) have not been ranked. CY: Calendar year; FY: Financial year; pp: percentage points (the difference between two percentages).

1 Data on Police Organizations, 2017, p. 18. Available online at: <http://bprd.nic.in/WriteReadData/userfiles/file/databook2017.pdf>

2 'India's ratio of 138 police personnel per lakh of population fifth lowest among 71 countries', *Economic Times*, 13 July 2018.

3 Sriharsha Devulapalli and Vishnu Padmanabhan, 'India's police force among the world's weakest', *LiveMint*, 19 June 2019.

4 <https://pmg.org.za/committee-question/6947/>

5 Data on Police Organizations, 2017, p. 18

6 Nikita Doval, 'Understanding VIP security in India', *LiveMint*, 9 June 2015.

Table 3: Over 5 years, some gains, some losses

In general, states and Union Territories are improving women representation in the police, but regressing in filling vacancies and in increasing spends on the police in the same ratio as total state expenditure.

	Worsened	Improved	Indicators improved on (out of 5)	Women in total police (pp)	Women officers in total officers (pp)	Constable vacancy (pp)	Officer vacancy (pp)	Difference in spend: police vs state (pp)
Large- and mid-sized states								
Chhattisgarh	■	■	4	0.13	0.10	-3.38	-1.27	-1.53
Gujarat	■	■	4	0.75	0.52	-1.26	-0.50	-1.42
Tamil Nadu	■	■	4	0.47	0.59	-4.14	-1.69	-1.90
Haryana	■	■	3	0.32	1.14	-2.98	1.97	-2.94
Maharashtra	■	■	3	-0.65	-0.25	-4.07	-4.53	0.08
Odisha	■	■	3	0.22	0.40	-0.31	1.70	-6.11
Punjab	■	■	3	0.28	0.38	0.11	0.91	6.04
West Bengal	■	■	3	0.87	0.30	0.39	-1.52	-3.92
Bihar	■	■	2	1.33	0.24	2.03	2.85	-2.37
Jharkhand	■	■	2	0.43	0.21	1.13	2.29	-4.58
Karnataka	■	■	2	0.23	0.24	2.35	0.24	-0.42
Kerala	■	■	2	-0.03	-0.13	-1.41	3.39	0.52
Madhya Pradesh	■	■	2	0.10	-0.68	0.42	-0.72	-0.29
Rajasthan	■	■	2	0.37	0.37	1.27	0.85	-5.92
Uttar Pradesh	■	■	2	0.46	-0.14	-0.80	1.53	-4.84
Uttarakhand	■	■	2	-0.38	0.54	-2.95	1.77	-1.67
Small-sized states								
Arunachal Pradesh	■	■	5	0.33	0.49	-4.45	-1.09	5.28
Sikkim	■	■	5	0.42	0.15	-3.90	-3.76	6.50
Himachal Pradesh	■	■	4	0.51	0.11	-1.57	0.66	0.88
Meghalaya	■	■	4	0.47	0.00	-0.21	-1.51	1.85
Goa	■	■	3	0.85	1.55	0.41	1.27	2.92
Mizoram	■	■	2	0.44	0.67	3.35	2.07	-4.82
Tripura	■	■	2	0.62	0.34	0.29	0.46	-4.75
Unranked states								
Jammu & Kashmir*	■	■	4	0.01	0.04	-0.23	0.34	1.46
Manipur	■	■	4	1.07	-0.36	-0.84	-3.26	4.25
Nagaland	■	■	3	1.05	0.28	-2.51	0.67	-1.69
Assam	■	■	2	0.87	0.34	2.22	1.21	-1.08
Union Territories								
Daman & Diu	■	■	5	1.62	2.91	-0.64	-1.21	11.92
Chandigarh	■	■	4	0.91	0.07	0.88	-0.43	10.39
Dadra & Nagar Haveli	■	■	4	1.10	2.05	-2.10	-3.38	-1.67
Andaman & Nicobar Islands	■	■	3	0.31	1.91	-3.38	6.18	NA
Delhi	■	■	3	0.30	0.46	-1.24	0.75	-3.63
Puducherry	■	■	3	0.16	-0.05	-4.51	4.76	1.87
Lakshadweep	■	■	2	0.50	-0.38	2.91	0.39	10.50

Data sources: Data on Police Organizations, Bureau of Police Research and Development (BPR&D); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Open Budgets India.

Notes: 1. States and Union Territories are arranged in descending order of points of improvement within respective cluster. 2. All data is for calendar year 2012 to 2016 except 'difference in spend' (2011-12 to 2015-16). 3. Andhra Pradesh and Telangana have been excluded as 5-year data for these states was not available separately. 4. pp: percentage points (the difference between two percentages). 5. NA: not available. * pre-August 2019.

present an uneven picture. From 2012 to 2016 constabulary vacancies increased in ten of the twenty-five ranked states. In fourteen other states, vacancies at the officer level saw an increase. In Kerala, shortfalls among constables reduced but increased at the officer level. In West Bengal and Madhya Pradesh it was the opposite. These kinds of trends mean that the ratio between officers and constabulary continuously fluctuates rather than being stable. Important recommendations⁷ aimed at stronger supervision of the rank and file—which suggest a ratio of one officer per four constables—are unlikely to be systematically met any time soon.⁸

Police cover for the population can be calculated by looking at how many people's safety and security each police officer is responsible for. The national average is 1 police person for 663 people. Figures for more populous states are naturally much higher. For instance, in our large and mid-sized states cluster, Bihar's ratio was 1 police person for 1,663 people, followed by West Bengal, where it was 1 for every 1,209. Amongst the smaller states, the perceived responsibility of a single officer was highest in Himachal Pradesh, at a ratio of a single police person for 679 persons

A larger consequence of baseline human resource gaps can be seen in the everyday realities endured by police and the public. Not only is the individual overstretched and overstressed⁹, police organizations are unable to properly specialize, supervise themselves, address the special needs of vulnerable communities, or be equipped to carry out effective crime prevention and investigation. Continuing shortage at these high levels perpetuates the status quo wherein the police can only provide a minimal reactive function, but cannot hope to improve response; enduring problems of non-registration of crimes will only persist as the police find ways to screen out crime, rather than invite increased registration. Essentially,

policing is reduced to a response-and-custody function, and that too at far from optimum levels.

Diversity

Indicator

- Share of women in police (% , Jan 2017)
- Women in total police (pp, CY '12-'16)
- Share of women in officers (% , Jan 2017)
- Women officers in total officers (pp, CY '12-'16)
- SC officers, actual to reserved ratio (% , Jan 2017)
- ST officers, actual to reserved ratio (% , Jan 2017)
- OBC officers, actual to reserved ratio (% , Jan 2017)

The absence of adequate personnel impacts the police's diversity profile as well. Diversity within police departments is both an organizational value to be attained and a practical priority when policing a society as varied as India with its state-level specificities. Diversity is actualized through reservations for the Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC) and, in some states, also for women and religious minorities. Quotas for reserved categories vary across states, in proportion to their populations, and are applied in direct recruitment at entry levels. In 2009, the Government of India adopted a target of 33 per cent reservation for women.¹⁰ Bihar is the lone state that has adopted 38 per cent; nine states have 33 per cent; five states 30 per cent; and, five states less than 30 per cent. Nine states have no reservation.

⁷ 'Recruitment to constabulary should be restricted till a teeth-to-tail ratio of 1:4 is reached', quoted in the Padmanabhaiah Committee for Police Reforms, 2000.

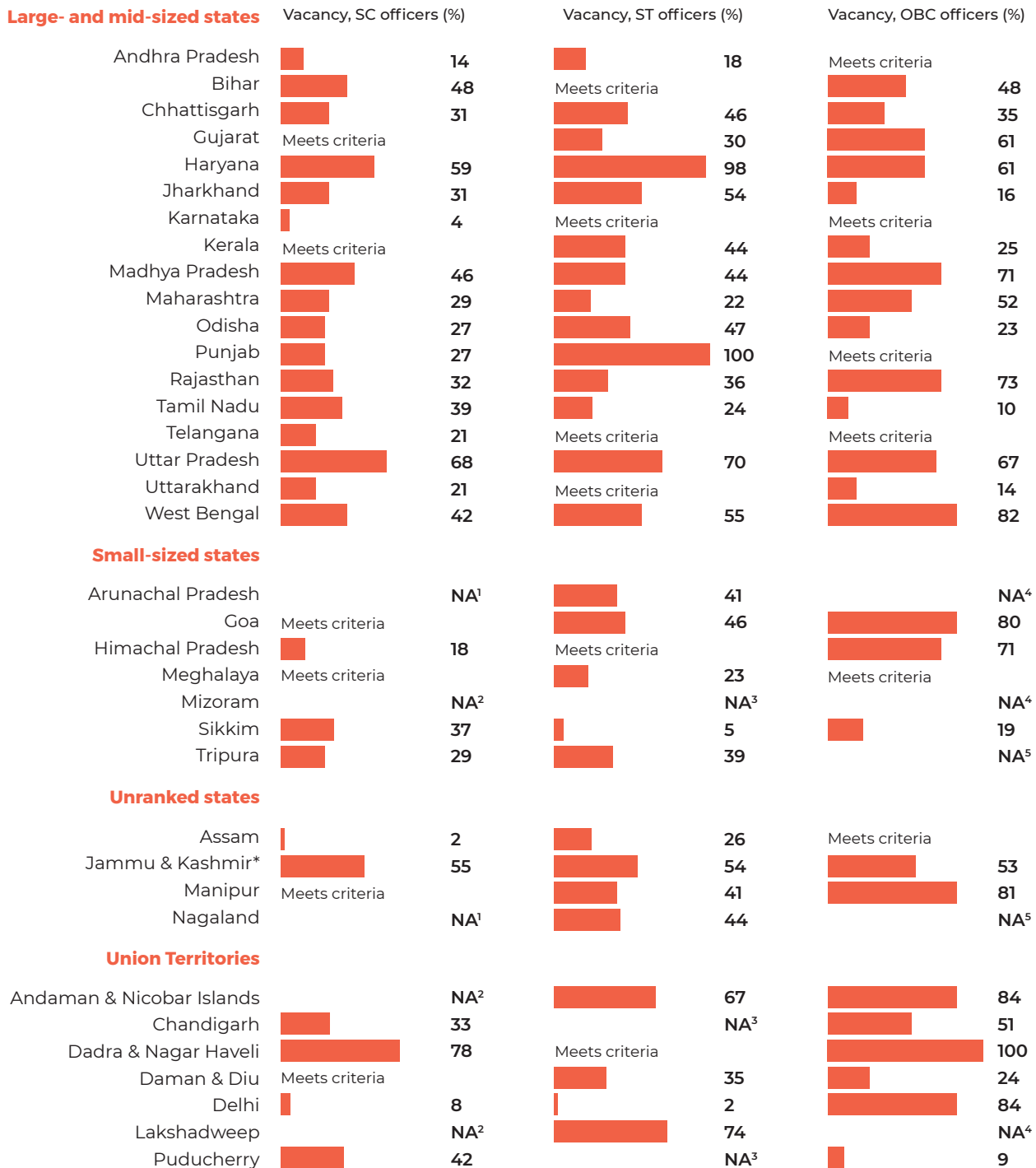
⁸ The following states have, according to 2016-2017 data, achieved this ratio: Odisha, Madhya Pradesh, Jharkhand, Sikkim, Bihar, West Bengal and Mizoram

⁹ The BPRD commissioned a report, under Kamal Kumar, IPS (ret'd.), 'National Requirement of Manpower for 8-Hour Shifts in Police Stations', which established the negative effects of long and irregular working hours on the police, leading to cumulative physical as well as mental fatigue for personnel (2014: p. 122).

¹⁰ See Government of India, Ministry of Home Affairs, Advisory (2009). It has reiterated this target in several subsequent advisories. Office Memorandum, F. NO.15011/48/2009-SC/ST-W, dated 4.9.2009, available at https://mha.gov.in/sites/default/files/AdCrime-Agnst-Women170909_3.pdf.

Figure 6: States struggle to meet quotas

Most states have fallen short of meeting their reservation quotas at the police officer level. The following figure charts vacancies—the longer the bar, the higher a state's vacancies.



Data sources: Data on Police Organizations, Bureau of Police Research and Development (BPR&D)

Notes: 1. States and Union Territories are arranged in alphabetical order within respective cluster. 2. Data is for January 2017. 3. Officers comprise Inspector + Sub Inspector + Assistant Sub Inspector + Deputy Superintendent of Police. Specific notes: ¹ BPR&D shows 0 SC officer figures. ² BPR&D shows 0% SC officer reservation. ³ BPR&D shows 0 ST officer figures. ⁴ BPR&D shows 0% OBC officer reservation. ⁵ BPR&D shows 0 OBC officer figures and 0% reservation. * pre-August 2019.

Karnataka is the only state to have very nearly filled officer-level reservations in all caste categories. Nationally, a majority of states are unable to meet their declared caste quotas. Only six states and UTs—Daman and Diu, Meghalaya, Goa, Manipur, Gujarat and Kerala—had managed to meet or exceed their SC quota. Similarly, only Dadra and Nagar Haveli, Bihar, Karnataka, Uttarakhand, Himachal Pradesh and Telangana had managed to reach or exceed their ST quotas and only Meghalaya, Telangana, Andhra Pradesh, Punjab, Assam and Karnataka had met their declared OBC quotas.

Even states and UTs with an SC population of over 15 per cent had gaps in filling quotas for police officers. Of the nineteen states and UTs that reserved 15 per cent or more for SCs among police officers, none met the reservation criteria and showed an average gap of 35 per cent. Among them were thirteen large-sized and mid-sized states, with the gap ranging from 4 per cent (Karnataka) to 68 per cent (Uttar Pradesh).

Similarly, none of the fourteen states and UTs that had a reservation for STs of 15 per cent or more among their police officers could meet their quotas. The average gap was 44 per cent, and ranged from 5 per cent (Sikkim) to 100 per cent (Punjab; the state has no notified Scheduled Tribe according to Census 2011, but BPRD shows 25 per cent reservation).

For OBCs, twenty-two states and UTs had a reservation for OBCs of above 15 per cent among their police officers. Only four states filled this quota (Karnataka, Assam, Andhra Pradesh and Telangana). The average gap in this set was 55 per cent. Overall, ten states and three UTs had a gap of 35 per cent or more.

Box 2: Counting 'missing' diversities

Quotas, caste, and women's numbers dominate debates around diversity. This ignores the absence of other diversities that require a place including religious minorities, and the transgender community. Over fifteen years, from 1999–2013, Muslim representation in the police has remained consistently low, at 3–4 per cent (including Jammu and Kashmir pushes it up to 8 per cent),¹² as against the 14.2 per cent population that is Muslim.¹³ A few states like Kerala, Tamil Nadu, Telangana and West Bengal include reservation for Muslims under the Other Backward Classes category.¹⁴ Inexplicably, since 2013, the National Crimes Records Bureau annual report has ceased reporting the level of Muslim representation in the police.

Women, who now have a mandatory presence in police stations and have exclusive functions when gender-based crimes are reported, are woefully in short supply. There are a total of just over 7 per cent women in the police. Only four states and four UTs have more than 10 per cent women in their police forces.

Nationally, Chandigarh and Dadra and Nagar Haveli had the highest share of women in their overall police force at 18 per cent and 15 per cent respectively. Among the ranked states, Tamil Nadu with 13 per cent,¹¹ Himachal Pradesh with 12 per cent and Maharashtra with 12 per cent lead, while eight other states—Jammu and Kashmir, Uttar Pradesh, Andhra Pradesh, Meghalaya, Madhya

¹¹ BPRD (pg. 157, Table 12.4, BPRD 2016–2017) puts this figure at 15.97 per cent. However, with 128,197 total strength and 16,553 women this correctly calculates to 12.91 per cent.

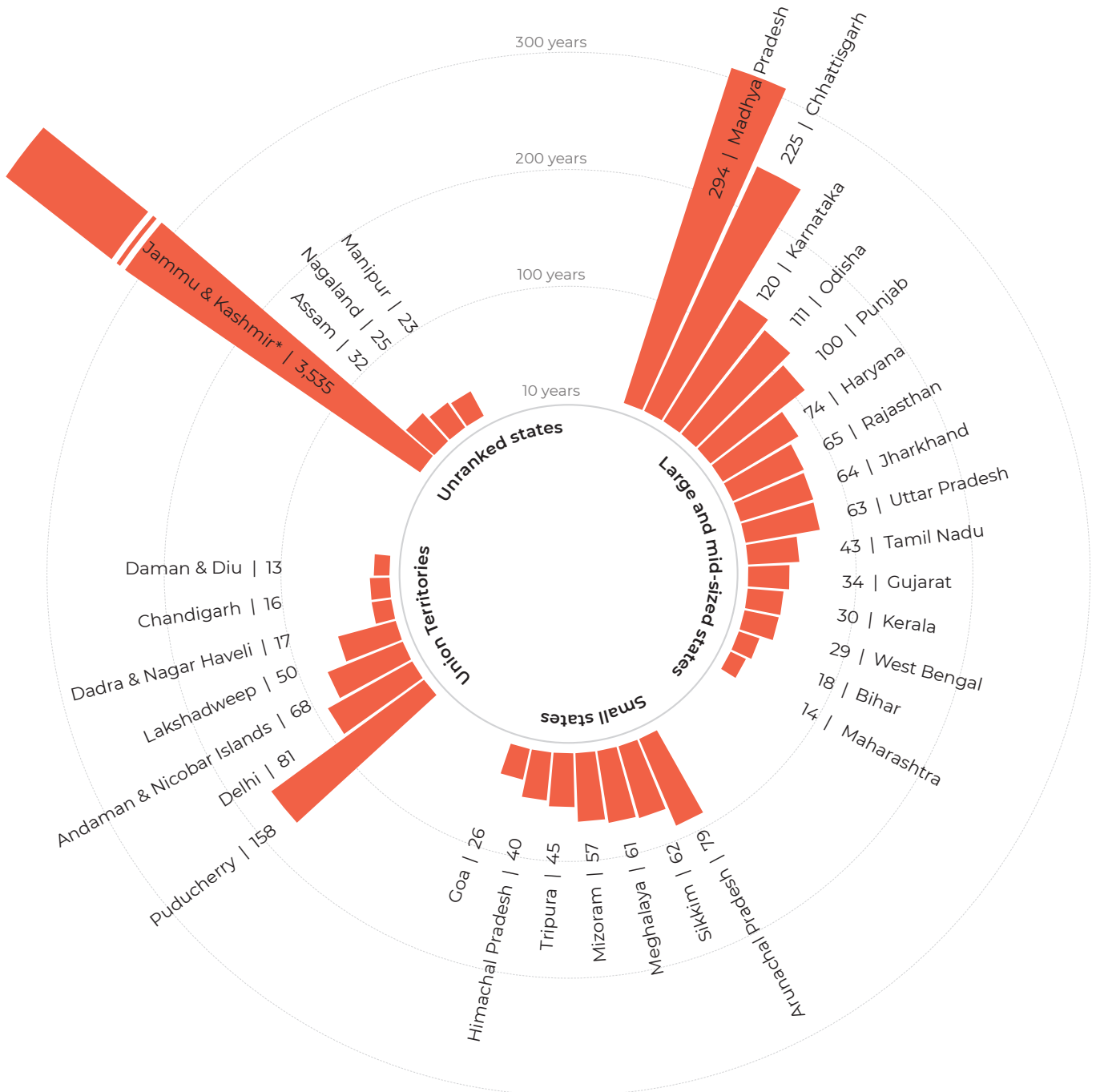
¹² Derived from Crime in India reports by the National Crime Records Bureau from 1999 to 2013. See Commonwealth Human Rights Initiative (2018), Muslim Voices: Perceptions of Policing in India, p.9: <http://www.humanrightsinitiative.org/download/1548414445Muslim%20Voices%20Perceptions%20of%20Policing%20Jan%202019.pdf>

¹³ <http://pib.nic.in/newsite/PrintRelease.aspx?relid=126326>.

¹⁴ Kerala provides 12 per cent, Tamil Nadu 3.5 per cent, and Telangana has passed a law (awaiting presidential assent) giving 12 per cent reservation. In West Bengal, OBCs are split into two categories in which Muslim groups are included—for one category 10 per cent reservation is provided, and for the other, 7 per cent. See CHRI report, op.cit, n.11, pg.51.

Figure 7: How long will it take for women's share to reach 33%?

Women make up just 7% of the police (BPRD Jan 2017). Over 5 years, 31 states and UTs have improved women's representation in the force. The pace, however, is much too slow.



Data sources: Data on Police Organizations, Bureau of Police Research and Development (BPR&D)
 Note: This calculation is based on the change in the share of women in police in the state/union territory during the five-year period from calendar year 2012 to 2016. The underlying assumption here is that the state will continue to increase the share of women in its workforce at the same rate. Where this 5-year value was negative for a state/UT, we took the best year-on-year change for that state/UT in that 5-year period. Uttarakhand has been excluded from this calculation because it showed a decline in share of women in all years.
 * pre-August 2019.

Pradesh, Chhattisgarh and Tripura with 5 per cent or less, bring up the rear. Telangana, the newest state in the country, with just 2 per cent, stands right at the tail end.

In thirty states and UTs, amongst officers, the share of women is less than 10 per cent. Goa, Andaman and Nicobar Islands, Tamil Nadu, Daman and Diu, Mizoram, and Dadra and Nagar Haveli are the only states and UTs to have a percentage share of women officers higher than this.

The big fissure between policy and practical realities should prompt redoubled efforts at closing the gender gap. Over a five-year period (2012–2016), most states have indeed tried to do this. Bihar, in particular, had improved women’s representation from 2 per cent to 9 per cent. However, three ranked states—Maharashtra, Uttarakhand and Kerala—actually posted a decline in the overall percentage of women. Maharashtra’s share went from 15 per cent to 12 per cent.

At the officer level, twenty-six states and UTs have improved representation in the police force. Of the remaining eight states (Andhra Pradesh and Telangana have not been ‘trended’ due to paucity of data), four—Maharashtra, Madhya Pradesh, Uttar Pradesh and Kerala—are from the large and medium-sized state ranked cluster.

Budget

Indicator

- Modernisation fund used (% , 2016-17)
- Spend on police per person (Rs, 2015-16)

Expenditure per capita signals the priority states give to policing. Most large and mid-sized states spent between 3 and 5 per cent of their total budget on policing. Certain states,¹⁵ not ranked in

this study, spent as much as 10 per cent. Between 2011–2012 and 2015–2016, there were only ten states where the increase in police expenditure exceeded the growth in total state expenditure. Odisha had the worst differential, of 6.12 percentage points; while its total expenditure during this five-year period increased by an average of 17.7 per cent, its police expenditure increased by 11.6 per cent. Over the years, while the per capita expenditure on policing may have gone down in one state or up in another, as forces have expanded, the absolute amounts spent on policing have risen steadily.

As of January 2017 the average all-India per capita spend on policing was ₹820. Within the states ranked in this report none of the large and mid-sized states spent more than roughly ₹1,660 per capita. Some of the largest states spent much less than smaller ones. Illustratively, ₹598 and ₹591 per capita were spent by Madhya Pradesh and Uttar Pradesh respectively, and ₹498 per capita in Bihar, which was the lowest in this cluster. By contrast, on average the seven small states spent ₹2,178. Arunachal Pradesh at ₹4,868 per capita spent the highest of any state big or small. Delhi and Chandigarh, as the largest UTs, spent ₹3,283 and ₹166 per capita respectively.

In 1969–1970, the Union Ministry of Home Affairs introduced the Modernisation Scheme¹⁶ to assist state forces in meeting capital expenditures, like the construction of new buildings and availing technology and better equipment. Data for this scheme for 2016–2017 shows that only Nagaland could utilize 100 per cent of the grant. Everywhere else the utilization levels were low—nineteen of the twenty-two states for which data was available utilized below 60 per cent. Uttar Pradesh, for instance, which spent just ₹591 per capita could utilize less than 25 per cent of its modernization grant.

In most states police budgets have not increased at the same rate as state budgets. In nineteen states for which data is available, the allocation to police trailed the increase in state budgets; the

¹⁵ Taken here to mean states where AFPSA is imposed; Nagaland, Assam, Manipur and Jammu and Kashmir.

¹⁶ MPF is a central scheme administered by the Ministry of Home Affairs, Government of India, aimed at assisting states in strengthening police infrastructure. Since 27.09.2017, the MPF covers schemes such as Crime and Criminal Tracking Networks and Systems (CCTNS), inter-state police wireless, ePrisons and programmes for upgrading police infrastructure including forensic laboratories and equipment. For more information, see Government of India, Ministry of Home Affairs, Umbrella Scheme of Modernization of Police Forces, https://mha.gov.in/sites/default/files/MPF_19022018.pdf.

largest trail was seen in Odisha and Rajasthan (-6 percentage points) and Uttar Pradesh (-5 percentage points). Among the large and mid-sized states, there are only three where this has increased—Punjab (6 percentage points), Kerala (0.5 percentage points) and Maharashtra (0.08 percentage points).

While it is certain that poor budgetary allocations leave police inadequately resourced and understaffed, publicly available data on police budgets is insufficient to conclude whether budgetary allocations are adequate, utilization effective or will, if increased, improve police performance.

While there is a great variation in the average expenditure by each state on the police, states like Nagaland, Manipur and Jammu and Kashmir* see an exponentially higher expenditure. However, increased police spending does not necessarily translate into better service. States with higher rates of reported crime may have lower spending on the police, and vice versa. While not recommending an ‘ideal’ expenditure, police spending must be based on outcomes. An efficient and effective police can be achieved through a continuous evaluative process surveying the needs of policing and aligning budgets accordingly.

Infrastructure

Indicator

- Population per police station (rural) (Jan 2017)
- Population per police station (urban) (Jan 2017)
- Area per police station (rural) (sq km, Jan 2017)
- Area per police station (urban) (sq km, Jan 2017)

At the heart of policing lies the police station. As the ground-level unit its physical availability is an

essential measure of police capability: to be present, accessible and of service to the community. This report limits itself to gauging the availability of this public utility across geographies.

As early as 1981, the National Police Commission pointed to the unevenness of service delivery: ‘...A comparative study of the spread of police personnel in the urban and rural areas separately in a few typical States in different regions of the country shows an enormous variation ranging from a ratio of one policeman per 675 of urban population to one policeman per 5,403 of rural population. Areawise the ratio ranges from one police station for an area of 7.9 sq. kms. in urban area to one police station for 1,069.7 sq. kms. in rural area.’

There are 15,488 police stations in India.¹⁷ Of these, 9,932 serve the rural population and 5,036 the urban.¹⁸ In 1981, the National Police Commission suggested the average area covered per rural police station should be 150 sq. km. This can serve as a guide; although almost four decades old, it is the only available benchmark. Terrain, population size, the incidence of crime and the availability of personnel all factor into deciding how many police stations a state has. For example, police stations in Rajasthan’s large and sparsely populated desert may be few and far between, but cannot justify leaving local populations impossibly far away from aid and assistance.

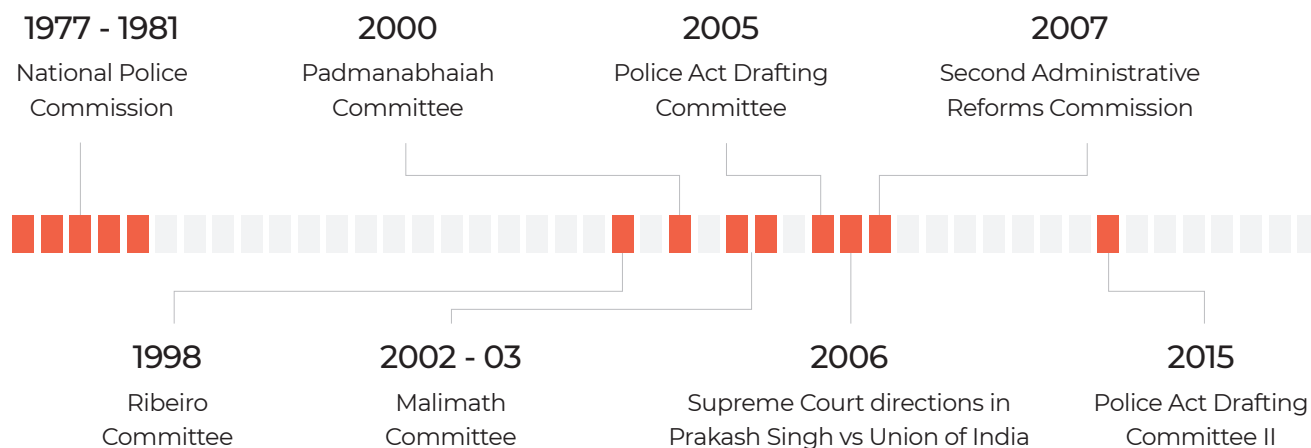
In measuring accessibility, this report takes account of the area an urban and a rural police station covers and the number of people it is expected to serve.

The numbers of people one police station covers varies vastly from state to state. In the large and mid-sized states, for instance, one urban police station covers, on average, between about 33,000

¹⁷ Data on Police Organizations, 2017, p. 18.

¹⁸ Ibid. p. 22.

* pre-August 2019.

Figure 9: Timeline of police reform efforts


Source: PRS

people (Odisha) and 240,000 people (Gujarat). Similarly, a rural police station covers between 30,500 people (Telangana) and 233,000 (West Bengal).

In general, urban populations and areas are better serviced than rural areas. In twenty-two of the thirty-one states and UTs for which data was available, on average, a rural police station was servicing a greater population than an urban one. In terms of area coverage, the picture worsens: in all thirty states for which data was available, the average area covered by a rural police station was greater than its urban counterpart, significantly, in most cases.

In relative terms, among the large and mid-sized states, the state that covered urban and rural populations the most evenly was Kerala. At about 44,000 people per rural police station, it was ranked number eleven among all states and second among large- and mid-sized states. At the same time, each rural police station, on average, covered a smaller population than an urban population. Kerala was one among four large and mid-sized states doing so, and among them, it had the lowest rural population number. Even in terms of area covered, the differential between rural and

urban police stations was minimal.

By contrast, there were large and mid-sized states that were extremely uneven in their coverage. For example, in West Bengal, a rural police station serviced nearly twice as many people and covered an area that was nearly sixteen times its urban equivalent.

It is but natural that the smaller states and Union Territories generally have smaller jurisdictions and lower populations per police station whether urban or rural. Yet, even within these smaller states, there are significant differences.

In Himachal Pradesh, Meghalaya and Tripura, urban populations are better served than rural populations. Similarly, in terms of average area coverage, rural police stations in Meghalaya (852 sq. km), Himachal Pradesh (791 sq. km) and Mizoram (759 sq. km) service areas larger than some of the largest states such as Madhya Pradesh (427 sq. km) and Maharashtra (352 sq. km)

In twenty-eight of the thirty-two states and UTs for which data was available, the state average of area covered per rural police station exceeded 150 sq. km (the benchmark given by the National

Police Commission). In urban areas, in twenty-five of the thirty-three states and UTs for which data was available, the state average of area covered was below 20 sq. km. Among large and mid-sized states, in rural police station coverage, the best performing were Kerala (79 sq. km per rural police station), Bihar (125 sq. km) and Tamil Nadu (155 sq. km). The worst among all states and UTs was Jammu and Kashmir (1,842 sq. km), followed by Meghalaya (852 sq. km), Himachal Pradesh (791 sq. km), Mizoram (759 sq. km) and Rajasthan (719 sq. km).

Debates on policing and reforms have been ongoing since Independence. Numerous government-appointed commissions have submitted their recommendations, supplemented by the Supreme Court's many exhortations that culminated in its 2006 directions in the *Prakash*

Singh case¹⁹ (see Figure 9). Each has aspired to significantly improve policing. However, the data reveals that the police's capacity is severely curtailed by its structural frailties. The police remains inadequately staffed, poorly representative and inaccessible to a majority of the population. True, quality performance, genuine accountability and public satisfaction cannot be guaranteed by merely repairing quantitative parameters. But early measures to address some of the deficits underpinning poor performance will go a long way in winning public trust.

Akhilesh Patil, Common Cause
Radhika Jha, Common Cause
Devika Prasad, Commonwealth
Human Rights Initiative
Devyani Srivastava, Commonwealth
Human Rights Initiative



¹⁹ *Prakash Singh vs Union of India*, Supreme Court, Writ Petition (Civil) No. 310 of 1996, 8 November 2010, available at: <https://indiankanoon.org/doc/1090328/>; the states and Union Territories were directed by the Supreme Court to comply with seven binding directives that would initiate reform. The Court issued notices to states for non-compliance. As of July 2018, the Supreme Court had once again reviewed the progress of states and UTs on this front.

Table 4: Indicator-wise data, state scores and ranks

Theme	Budgets		Human resources			Diversity
	Indicator	Modernisation fund used (% , 2016-17)	Spend on police per person (Rs, 2015-16)	Constables, vacancy (% , Jan 2017)	Officers, vacancy (% , Jan 2017)	Officers in civil police (% , Jan 2017)
Scoring guide	Higher, the better	Higher, the better	Lower, the better	Lower, the better	Higher, the better	Higher, the better
Large and mid-sized states						
Andhra Pradesh	NA ¹	757	19.1	8.6	15.2	4.2
Bihar	46	498	30.1	38.4	23.2	8.8
Chhattisgarh	NA ²	954	8.7	32.0	10.0	4.7
Gujarat	49	567	31.5	26.7	18.9	7.2
Haryana	80	1,169	26.7	34.9	12.6	9.1
Jharkhand	47	934	31.4	44.5	21.7	5.5
Karnataka	27	658	20.5	14.2	16.7	5.4
Kerala	38	769	-3.2	24.0	8.6	6.3
Madhya Pradesh	NA ²	598	10.2	18.8	20.6	4.4
Maharashtra	15	882	4.1	8.2	17.3	11.6
Odisha	54	552	7.2	27.4	20.4	9.1
Punjab	25	1,666	9.4	10.1	12.4	5.3
Rajasthan	3	595	13.7	30.3	11.3	9.3
Tamil Nadu	18	727	-6.9	18.2	8.9	12.9
Telangana	7	1,239	24.8	13.5	15.1	2.5
Uttar Pradesh	23	591	53.0	62.6	10.6	3.8
Uttarakhand	55	1,146	7.2	14.8	10.4	7.7
West Bengal	56	546	31.3	26.1	27.5	7.6
Small states						
Arunachal Pradesh	44	4,869	9.6	17.8	11.8	6.8
Goa	9	2,388	6.3	20.7	10.7	10.8
Himachal Pradesh	NA ²	1,117	3.3	11.5	16.7	12.2
Meghalaya	NA ³	1,859	15.5	8.8	19.6	4.3
Mizoram	1	4,219	20.5	14.9	33.0	7.7
Sikkim	NA ²	4,336	1.9	-11.1	22.0	6.9
Tripura	59	2,354	16.7	21.6	14.3	5.0
Unranked states						
Assam	NA ²	788	20.5	16.4	19.2	5.5
Jammu & Kashmir*	45	3,699	3.3	13.8	12.4	3.0
Manipur	NA ⁴	3,672	38.2	25.7	22.3	8.1
Nagaland	100	5,933	-12.5	6.1	10.0	6.3
Union Territories						
Andaman & Nicobar Islands	NA ³	824	-6.3	56.4	7.5	12.2
Chandigarh	NA ³	166	12.4	9.6	11.5	18.0
Dadra & Nagar Haveli	NA ³	326	1.9	31.3	6.5	14.8
Daman & Diu	NA ³	219	23.3	22.5	14.3	12.0
Delhi	NA ³	3,283	-1.9	8.6	17.8	8.6
Lakshadweep	NA ³	2,488	20.7	65.6	7.9	7.9
Puducherry	80	1,314	8.5	38.2	10.5	7.2

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Data on Police Organizations, Bureau of Police Research and Development (BPR&D); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India. Common notes: 1. Data for 'Jan 2017' is as of January 1, 2017. 2. SC: Scheduled castes; ST: Scheduled tribes; OBC: Other backward classes. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year. 6. Civil police includes district armed reserve police.

¹Utilisation data not available. ²State government contribution not available. ³Both Central contribution and utilisation data not available.

⁴Utilisation and state contribution figures not available.

Table 4: Indicator-wise data, state scores and ranks

Theme	Diversity				Infrastructure		
	Indicator	Share of women in officers (% Jan 2017)	SC officers, actual to reserved ratio (% Jan 2017)	ST officers, actual to reserved ratio (% Jan 2017)	OBC officers, actual to reserved ratio (% Jan 2017)	Population per police station (rural) (Jan 2017)	Population per police station (urban) (Jan 2017)
Scoring guide		Higher, the better	Higher, the better	Higher, the better	Higher, the better	Lower, the better	Lower, the better
Large and mid-sized states							
Andhra Pradesh	3.6	86	82	146	49,119	53,129	
Bihar	2.7	52	172	52	125,977	39,993	
Chhattisgarh	4.3	69	54	65	62,446	61,846	
Gujarat	5.6	120	70	39	69,251	240,608	
Haryana	9.5	41	2	39	95,430	83,416	
Jharkhand	3.1	69	46	84	78,053	51,513	
Karnataka	4.0	96	143	103	68,877	60,892	
Kerala	2.1	110	56	75	44,119	148,925	
Madhya Pradesh	6.4	54	56	29	74,655	55,288	
Maharashtra	5.5	71	78	48	72,504	185,468	
Odisha	8.4	73	53	77	92,271	32,881	
Punjab	4.3	73	0	110	70,793	70,265	
Rajasthan	4.9	68	64	27	110,279	46,201	
Tamil Nadu	19.7	61	76	90	49,639	47,250	
Telangana	1.5	79	104	169	30,445	NA ¹¹	
Uttar Pradesh	3.1	32	30	33	151,825	101,125	
Uttarakhand	8.9	79	131	86	69,673	59,791	
West Bengal	3.1	58	45	18	232,896	108,152	
Small states							
Arunachal Pradesh	5.3	NA ⁵	59	NA ⁸	19,042	11,335	
Goa	12.6	154	54	20	34,483	113,352	
Himachal Pradesh	3.5	82	125	29	88,229	16,394	
Meghalaya	5.6	178	77	184	91,209	39,697	
Mizoram	20.2	NA ⁶	NA ⁷	NA ⁸	19,461	51,979	
Sikkim	7.5	63	95	81	21,762	19,197	
Tripura	6.0	71	61	NA ⁹	61,647	30,045	
Unranked states							
Assam	3.4	98	74	108	132,708	33,322	
Jammu & Kashmir*	2.4	45	46	47	75,901	37,728	
Manipur	7.5	133	59	19	38,144	34,756	
Nagaland	7.7	NA ⁵	56	NA ⁹	24,694	28,548	
Union Territories							
Andaman & Nicobar Islands	13.8	NA ⁶	33	16	12,479	28,698	
Chandigarh	5.8	67	NA ⁷	49	NA ¹⁰	60,380	
Dadra & Nagar Haveli	22.7	22	222	0	183,114	160,595	
Daman & Diu	14.5	588	65	76	NA ¹⁰	36,570	
Delhi	9.8	92	98	16	NA ¹⁰	95,725	
Lakshadweep	3.1	NA ⁶	26	NA ⁸	884	NA ¹¹	
Puducherry	4.3	58	NA ⁷	91	19,760	25,841	

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Data on Police Organizations, Bureau of Police Research and Development (BPR&D); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India. Common notes: 1. Data for 'Jan 2017' is as of January 1, 2017. 2. SC: Scheduled castes; ST: Scheduled tribes; OBC: Other backward classes. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year. 6. Civil police includes district armed reserve police.

⁵ BPR&D shows 0 SC officer figures. ⁶ BPR&D shows 0% SC officer reservation. ⁷ BPR&D shows 0 ST officer figures.

⁸ BPR&D shows 0% OBC officer reservation. ⁹ BPR&D shows 0 OBC officer figures and 0% reservation. ¹⁰ BPR&D shows 0 rural police stations.

¹¹ BPR&D shows 0 urban police stations.

Table 4: Indicator-wise data, state scores and ranks

Theme Indicator	Infrastructure		Workload	Trends	
	Area per police station (rural) (sq km, Jan 2017)	Area per police station (urban) (sq km, Jan 2017)	Population per civil police (persons, Jan 2017)	Women in total police (pp, CY '12-'16)	Women officers in total officers (pp, CY '12-'16)
Scoring guide	Lower, the better	Lower, the better	Lower, the better	Higher, the better	Higher, the better
Large and mid-sized states					
Andhra Pradesh ¹³	220	15	1,137	NA	NA
Bihar	125	8	1,663	1.33	0.24
Chhattisgarh	420	35	637	0.13	0.10
Gujarat	377	69	1,032	0.75	0.52
Haryana	244	19	595	0.32	1.14
Jharkhand	241	15	800	0.43	0.21
Karnataka	342	15	742	0.23	0.24
Kerala	79	71	618	-0.03	-0.13
Madhya Pradesh	427	21	946	0.10	-0.68
Maharashtra	352	33	537	-0.65	-0.25
Odisha	402	16	1,183	0.22	0.40
Punjab	195	17	445	0.28	0.38
Rajasthan	719	18	915	0.37	0.37
Tamil Nadu	155	18	572	0.47	0.59
Telangana ¹⁵	157	NA ¹¹	881	NA	NA
Uttar Pradesh	228	17	1,157	0.46	-0.14
Uttarakhand	521	18	681	-0.38	0.54
West Bengal	313	19	1,209	0.87	0.30
Small states					
Arunachal Pradesh	NA ¹²	NA ¹²	181	0.33	0.49
Goa	181	100	282	0.85	1.55
Himachal Pradesh	791	6	679	0.51	0.11
Meghalaya	852	19	441	0.47	0.00
Mizoram	759	53	350	0.44	0.67
Sikkim	336	5	244	0.42	0.15
Tripura	229	12	355	0.62	0.34
Unranked states					
Assam	382	10	1,122	0.87	0.34
Jammu & Kashmir*	1842	14	252	0.01	0.04
Manipur	418	7	240	1.07	-0.36
Nagaland	287	12	197	1.05	0.28
Union Territories					
Andaman & Nicobar Islands	432	8	106	0.31	1.91
Chandigarh	NA ¹⁰	6	207	0.91	0.07
Dadra & Nagar Haveli	445	46	1,017	1.10	2.05
Daman & Diu	NA ¹⁰	11	633	1.62	2.91
Delhi	NA ¹⁰	7	223	0.30	0.46
Lakshadweep	1	NA ¹¹	160	0.50	-0.38
Puducherry	17	5	434	0.16	-0.05

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Data on Police Organizations, Bureau of Police Research and Development (BPR&D); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India. Common notes: 1. Data for 'Jan 2017' is as of January 1, 2017. 2. SC: Scheduled castes; ST: Scheduled tribes; OBC: Other backward classes. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year. 6. Civil police includes district armed reserve police.

¹⁰ BPR&D shows 0 rural police stations. ¹¹ BPR&D shows 0 urban police stations.

¹² Primary Census Abstract, Census 2011 does not give urban/rural area breakup.

¹³ Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately.

Table 4: Indicator-wise data, state scores and ranks

Theme	Indicator	Trends			Score (out of 10)	Rank in cluster
		Constable vacancy (pp, CY '12-'16)	Officer vacancy (pp, CY '12-'16)	Difference in spend: police vs state (pp, FY '12-'16)		
Scoring guide		Lower, the better	Lower, the better	Higher, the better		
Large and mid-sized states						
	Andhra Pradesh ¹⁵	NA	NA	NA	5.36	5
	Bihar	2.03	2.85	-2.37	4.28	14
	Chhattisgarh	-3.38	-1.27	-1.53	4.91	10
	Gujarat	-1.26	-0.50	-1.42	4.55	12
	Haryana	-2.98	1.97	-2.94	5.14	8
	Jharkhand	1.13	2.29	-4.58	4.94	9
	Karnataka	2.35	0.24	-0.42	5.32	6
	Kerala	-1.41	3.39	0.52	4.43	13
	Madhya Pradesh	0.42	-0.72	-0.29	4.24	15
	Maharashtra	-4.07	-4.53	0.08	5.52	4
	Odisha	-0.31	1.70	-6.11	5.17	7
	Punjab	0.11	0.91	6.04	5.61	3
	Rajasthan	1.27	0.85	-5.92	3.77	17
	Tamil Nadu	-4.14	-1.69	-1.90	6.49	1
	Telangana ¹⁵	NA	NA	NA	4.86	11
	Uttar Pradesh	-0.80	1.53	-4.84	2.98	18
	Uttarakhand	-2.95	1.77	-1.67	5.88	2
	West Bengal	0.39	-1.52	-3.92	4.20	16
Small states						
	Arunachal Pradesh	-4.45	-1.09	5.28	4.51	2
	Goa	0.41	1.27	2.92	3.69	3
	Himachal Pradesh	-1.57	0.66	0.88	3.41	6
	Meghalaya	-0.21	-1.51	1.85	3.53	5
	Mizoram	3.35	2.07	-4.82	3.35	7
	Sikkim	-3.90	-3.76	6.50	5.66	1
	Tripura	0.29	0.46	-4.75	3.58	4
Unranked states						
	Assam	2.22	1.21	-1.08	Not ranked	
	Jammu & Kashmir*	-0.23	0.34	1.46	Not ranked	
	Manipur	-0.84	-3.26	4.25	Not ranked	
	Nagaland	-2.51	0.67	-1.69	Not ranked	
Union Territories						
	Andaman & Nicobar Islands	-3.38	6.18	NA ¹⁴	Not ranked	
	Chandigarh	0.88	-0.43	10.39	Not ranked	
	Dadra & Nagar Haveli	-2.10	-3.38	-1.67	Not ranked	
	Daman & Diu	-0.64	-1.21	11.92	Not ranked	
	Delhi	-1.24	0.75	-3.63	Not ranked	
	Lakshadweep	2.91	0.39	10.50	Not ranked	
	Puducherry	-4.51	4.76	1.87	Not ranked	

States arranged by clusters in alphabetical order. * pre-August 2019.

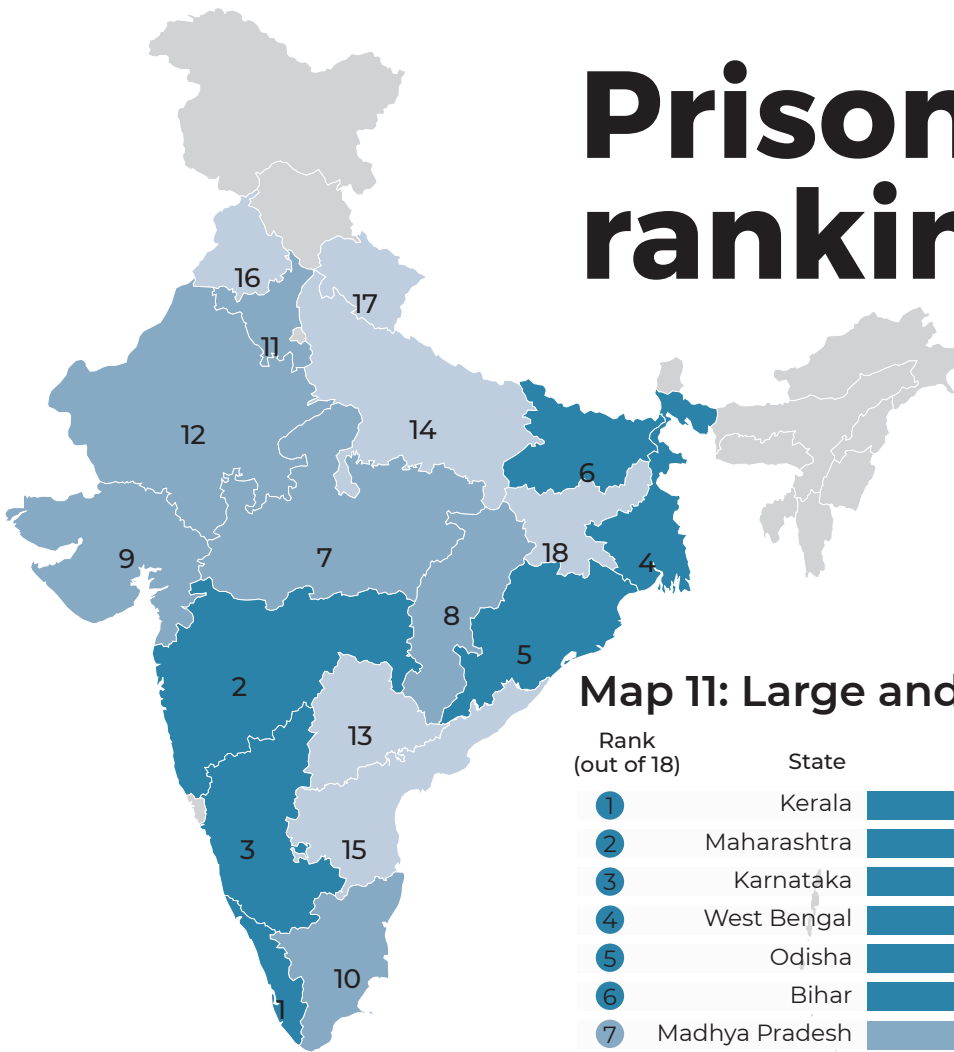
Data sources: Data on Police Organizations, Bureau of Police Research and Development (BPR&D); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India. Common notes: 1. Data for 'Jan 2017' is as of January 1, 2017. 2. SC: Scheduled castes; ST: Scheduled tribes; OBC: Other backward classes. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year. 6. Civil police includes district armed reserve police.

¹⁵ Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately. ¹⁴ Revenue and capital expenditure for police was not available for 2010-11, and revenue expenditure for police was not available for 2015-16.



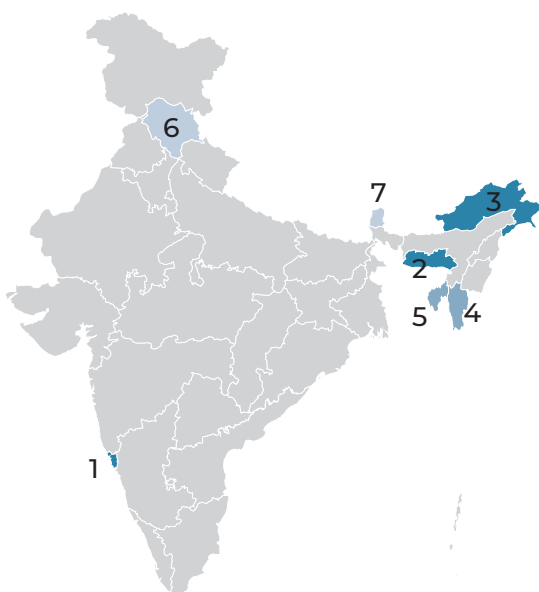
Prisons

Prisons ranking



Map 11: Large and mid-sized states

Rank (out of 18)	State	Score (out of 10)
1	Kerala	7.18
2	Maharashtra	6.89
3	Karnataka	6.50
4	West Bengal	6.12
5	Odisha	5.94
6	Bihar	5.61
7	Madhya Pradesh	5.30
8	Chhattisgarh	5.24
9	Gujarat	5.23
10	Tamil Nadu	5.23
11	Haryana	4.79
12	Rajasthan	4.72
13	Telangana	4.48
14	Uttar Pradesh	4.42
15	Andhra Pradesh	4.35
16	Punjab	4.35
17	Uttarakhand	3.72
18	Jharkhand	3.46

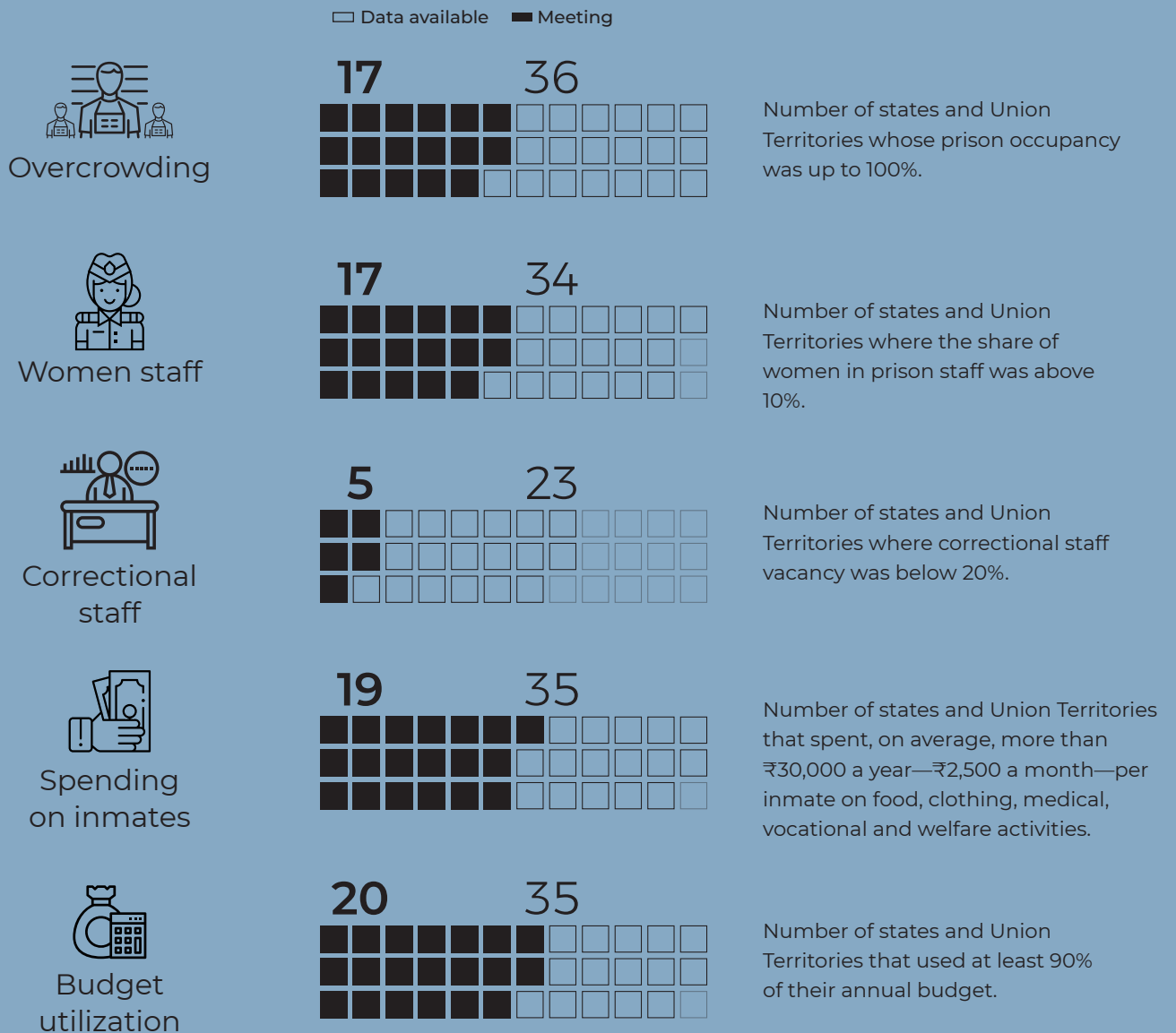


Map 12: Small states

Rank (out of 7)	State	Score (out of 10)
1	Goa	5.30
2	Meghalaya	5.24
3	Arunachal Pradesh	4.10
4	Mizoram	3.99
5	Tripura	3.49
6	Himachal Pradesh	3.46
7	Sikkim	3.43

Note: 1. Map of Jammu & Kashmir is pre-August 2019. 2. For reasons of readability, scores are shown up to 2 decimals. While they both show the same score, Gujarat is ranked above Tamil Nadu on the third decimal (5.233 versus 5.231). Likewise, Andhra Pradesh is above Punjab (4.352 versus 4.351).

The capacity deficits



The other deficits

95,366

Number of inmates handled by the 1 sanctioned correctional staff in Uttar Pradesh.



180%

Prison occupancy in Delhi.

Prisons: Escaping correction

Prison management and prisoner care are state subjects.¹ While most prisons across states are governed under the Prisons Act (1894), a few have enacted their own laws. However, irrespective of whether they follow the 1894 Act or their own state enactments, every state follows its own prison manual² which has detailed provisions for the running of prisons.

Over time, across the globe, the philosophy of incarceration has moved from prisons being thought of as places ‘for’ punishment, where cruelty and degradation are permissible, to places where people are sequestered away for a period of time from society ‘as’ punishment. Accordingly, the loss of freedom should/ ought to be considered the only consequence that the law can legitimately mete out for crimes. In India, through a steady stream of judgements the courts have focused on the need to ensure prisoners’ rights, training and rehabilitation. Pointing to what needs to change, they have repeatedly highlighted overcrowding; poor sanitation and nutrition; prisoner overstays; the shortage of prison staff, doctors and escorts to bring prisoners to court; the unavailability of timely, quality legal aid; poor mechanisms to review prisoner status; the absence of mandated statutory mechanisms of prison oversight, as well as the near

absence of correctional and aftercare services for released prisoners.

In a recent judgement, *Re-Inhuman Conditions in 1382 Prisons*,³ the Supreme Court, in fact, laid down guidelines on overcrowding, unnatural prisoner deaths, staff inadequacy and untrained staff. This echoes global standards of the Mandela Rules that require, among other things, basic minimum living requirements be accorded to prisoners, and much like verdicts that have come before it, promotes the idea that the Indian criminal system is based on a reformatory and rehabilitative approach, and not retribution.

The shift towards reformation and rehabilitation demands changes in law, the ideology of policy makers, the attitude of prison administrators, and significant improvements in conditions on the ground. Yet the shift toward a safe, sanitary, rehabilitative environment remains distant.

NOTE: 4 states (Assam, Jammu and Kashmir [pre-August 2019], Manipur and Nagaland), and the 7 UTs (Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Lakshadweep and Puducherry) have not been ranked. CY: Calendar year; FY: Financial year; pp: percentage points (the difference between two percentages).

1 Under Art. 246(3), Seventh Schedule, List-II-4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.¹ Available online at: <https://www.mea.gov.in/Images/pdf/S7.pdf>

2 Prison manuals contain detailed rules and regulations pertaining to prison administration.

3 *Re-Inhuman Conditions in 1382 Prisons vs. State of Assam and Ors.* WPC(C) 406 / 2013. Available online at: https://sci.gov.in/pdf/cir/2016-02-05_1454655606.pdf.

Infrastructure

Indicator

- Prison occupancy (% , Dec 2016)
- Share of UTPs (pp, CY 2012-16)

In comparison to other countries India's incarceration rate, at 33 per 100,000, is the lowest of its South Asian neighbours⁴ and much lower than its BRICS partners, Brazil and Russia.⁵ Seen in absolute numbers, in 2016, almost 1.1 million prisoners went through the prison system even though on any given day there may be over 400,000.⁶

As of 31 December 2016, the nationwide occupancy rate stood at 114 per cent.⁷ But averages tell only half the story. A majority of states, including Chhattisgarh, Uttar Pradesh and Madhya Pradesh, have many more prisoners than their capacity to house them. Twelve states and 5 Union Territories (UTs)—Andhra Pradesh, Andaman and Nicobar Islands, Bihar, Chandigarh, Daman and Diu, Goa, Haryana, Jammu and Kashmir, Lakshadweep, Manipur, Mizoram, Nagaland, Odisha, Puducherry, Tamil Nadu, Telangana and Tripura—had fewer prisoners than accommodation.

A closer look showed that some jails were more overcrowded than others. In central prisons, occupancy rates ranged from 20.5 per cent in Nagaland to a staggering 222.5 per cent in Chhattisgarh. In district jails, it ran up to 168 per cent, as was the case in Uttar Pradesh, and in Uttarakhand where sub-jails had at times crossed 208 per cent occupancy.⁸

Despite efforts to escalate prison construction and increase capacity in existing facilities, accommodation had not been able to keep up with the increasing prison population. As recognized in *Re-Inhuman Conditions in 1382 Prisons*, increasing numbers of undertrial prisoners contributes significantly to overcrowding. In the large and mid-sized states, twelve states including Punjab, Rajasthan, West Bengal, Jharkhand and Uttar Pradesh had an occupancy of over 100 per cent. Eight of these twelve states had seen an increase in the undertrial prisoners population between 2012–2016.

Much of the overcrowding is accounted for by the presence of 'undertrials'—people in custody awaiting 'investigation, inquiry or trial'.⁹ For every convict India has two undertrials in its jails. With nearly 68 per cent of all inmates being undertrials, India ranked a very high 15th out of 217 countries in undertrial incarceration.¹⁰

In thirty-three of the thirty-six states and UTs, the share of undertrial inmates was above 50 per cent. In 2016, Uttar Pradesh, with over 68,000 undertrial inmates, had the highest number and accounted for about 23 per cent of all undertrial prisoners. This is nearly two-and-a-half times more than Bihar, the next highest. Along with Maharashtra, these three states make up nearly 41 per cent of all undertrial prisoners.

Over five years, thirteen states and UTs—including Arunachal Pradesh, Andaman and Nicobar Islands, Chandigarh, Goa, Mizoram, Jammu and Kashmir, Chhattisgarh, Sikkim, Punjab, Assam, Tamil Nadu, Kerala and West Bengal—had managed to annually bring down their undertrial prisoner population, by up to 5 percentage points.

Despite attempts to bring down the number of undertrial prisoners, data indicates that the

4 Pakistan is at 43 per 100,000; Bangladesh 43 (end-2015). Available online at: http://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_11th_edition_0.pdf

5 According to the World Prison Brief: the prison population rate in Brazil was 301 (end-2015), while Russia's was 445 for the same period. The United States of America has the highest incarceration rate in the world at 698 per 100,000 population. Available online at: https://www.prisonstudies.org/highest-to-lowest/pre-trial-detainees?field_region_taxonomy_tid=All

6 Prison Statistics India, 2016- Table 2.20, p.78 and Table 2.1, pp. 49-50. Available at: <http://ncrb.gov.in/>

7 Ibid, p 22.

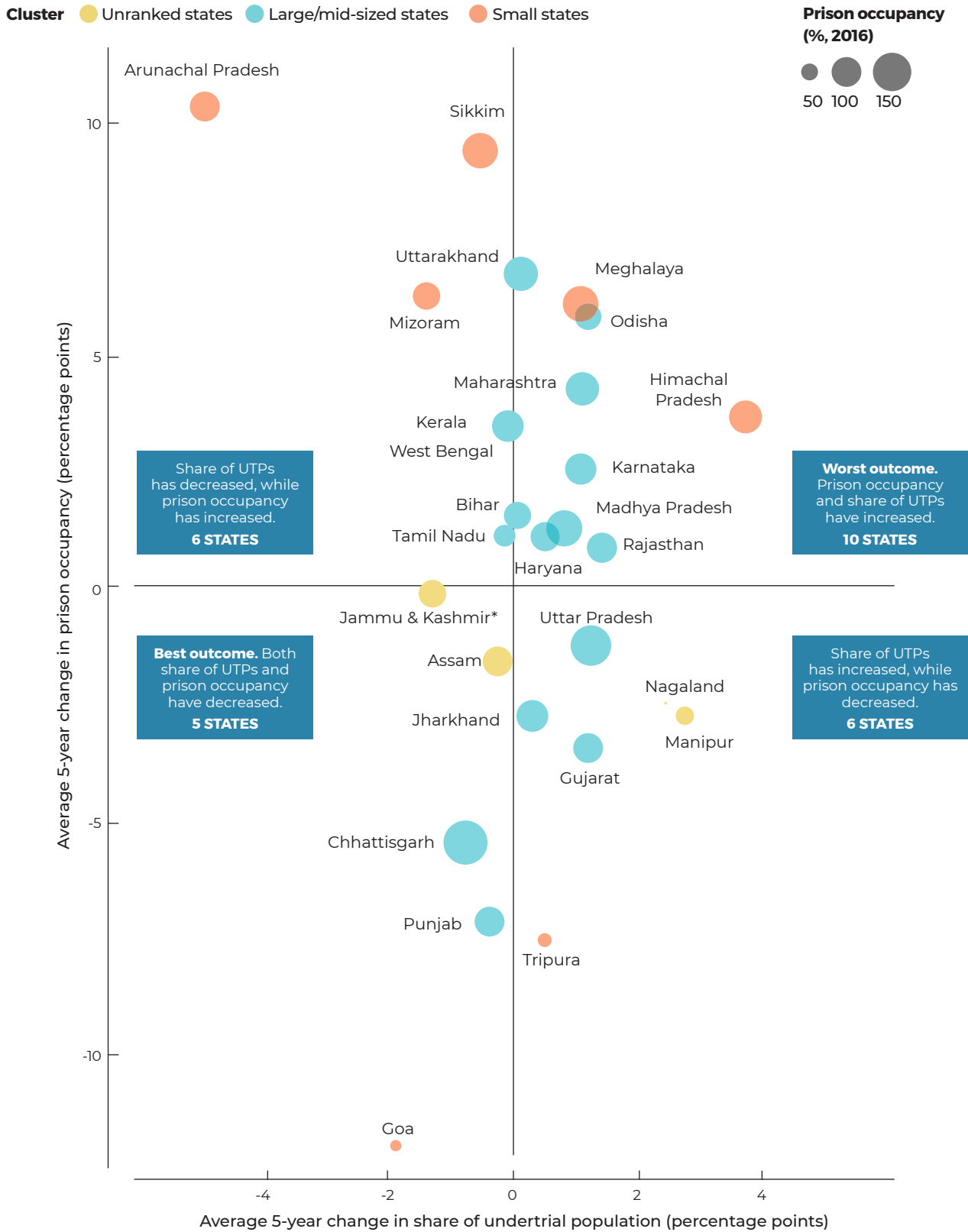
8 Ibid, p. 28.

9 Section 428 CrPC: 'Period of detention undergone by the accused to be set off against the sentence or imprisonment. Where an accused person has, on conviction, been sentenced to imprisonment for a term not being imprisonment in default of payment of fine, the period of detention, if any, undergone by him during the investigation, inquiry or trial of the same case and before the date of such conviction, shall be set off against the term of imprisonment imposed on him on such conviction, and the liability of such person to undergo imprisonment on such conviction shall be restricted to the remainder, any, of the term of imprisonment imposed on him.'

10 World Pre-trial/Remand Imprisonment List (third edition) by Roy Walmsley (2016). Available online at: https://www.prisonstudies.org/sites/default/files/resources/downloads/wprtil_3rd_edition.pdf

Figure 10: Prison occupancy and undertrial prisoners

The average occupancy across India's prisons is 114%. A plausible reason for rising occupancy are increasing undertrial prisoners. The following figure plots states on their 5 year increase/ decrease in occupancy and undertrial levels.



Data source: Prison Statistics India (PSI), National Crime Records Bureau (NCRB)

Notes: 1. Data for prison occupancy is as of December 2016. Average 5-year change in undertrial population and occupancy for the period from calendar year 2012 to calendar year 2016. 2. Andhra Pradesh and Telangana are not included as their 5-year data was not available separately. 3. Union Territories have been excluded from this graphic. * pre-August 2019.

numbers are rising. Between 2010 and 2016, while the number of convicts increased by 8 per cent, the undertrial prisoner population grew by 22 per cent. Their detention period has also increased. Illustratively, the percentage of prisoners incarcerated for more than a year while awaiting trial has risen to 25 per cent (2016) from 19 per cent (2001).¹¹ Contributing factors range from an increase in registered crimes, overuse of arrest powers, investigation and prosecution delays, infrastructural deficiencies in getting prisoners to court, paucity of judges, ineffective legal representation and case overload with consequently longer trials.

Budgets

Indicator

- Spend per inmate (Rs, 2016-17)
- Spend per inmate (% , FY 2013-17)
- Prison budget used (% , 2016-17)
- Prison budget used (pp, FY 2013-17)
- Change in prisons spend to state spend (pp, FY 2012-16)

Nationally, nineteen states and UTs spent between ₹20,000 to ₹35,000 per inmate annually. This is less than ₹100 per day on each prisoner. These figures include the expenditure on prisoners' upkeep, such as food, clothing, bedding, water, sanitation, hygiene, medical care, etc. It excludes the money spent on salaries and overheads. At an all-India level, Goa, with 2 jails, spent the most (nearly ₹96,000 per inmate). Among the eighteen large and mid-sized states, Kerala spent the most, which was less than half of what Goa spends on each prisoner (just short of ₹42,000 per inmate).

Amongst all states, Goa, with 2 jails, increased its spend per inmate by an average rate of 84 per cent between financial year 2012-2013 to 2016-2017, the highest rate. Among the large and mid-sized states cluster, Rajasthan had the highest increase in expenditure per inmate at 65 per cent, followed

by Uttarakhand at 26 per cent. Odisha showed the lowest increase at 1 per cent. Among the small states, Himachal Pradesh, Sikkim and Mizoram showed the lowest increases of less than 5 per cent each.

The large differential between spend on prisoners has prompted the Supreme Court to remark that it 'may also perhaps be necessary to have the accounts audited to ascertain whether the money is being spent wisely and whether it is being utilized for the benefit of the prisoners or not'.¹²

Only seven states and UTs utilized their entire prison budget, including Sikkim, Himachal Pradesh and Chandigarh. No large or mid-sized state utilized its entire prison budget, with West Bengal having, utilized 99 per cent of its budget, followed by Kerala (98 per cent) and Karnataka (97 per cent). Interestingly, Goa which has the highest spend on each inmate showed the poorest utilization at 55 per cent. This may be because of its low inmate population.

In the large and mid-sized states cluster, Uttar Pradesh had increased its budget utilization to 94 per cent (2016–2017) from 74 per cent (2011–2012). Bihar followed Uttar Pradesh with an increase in utilization from 68 per cent (2011–2012) to 84 per cent (2016–2017).

Seven of the eighteen large and mid-sized states (Rajasthan, Madhya Pradesh, Haryana, Odisha, Kerala, Tamil Nadu and Gujarat) saw a decline in average budget utilization in the five-year period between 2012–2013 and 2016–2017. Rajasthan showed the highest average decline, followed by Madhya Pradesh and Haryana.

Among the small states, Meghalaya had improved its budget utilization to 88 per cent (2016–2017) from 57 per cent (2011–2012). Goa, displayed the poorest all-India utilization trend, sharply declining to 55 per cent (2016–2017) from 91 per cent (2011–2012).

The average five-year change (2012–2016) in

¹¹ Commonwealth Human Rights Initiative (2019). Jail Mail Nelson Mandela Day: 10 Things You Should Know About Indian Prisons. Available at: <https://www.humanrightsinitiative.org/publication/jail-mail-nelson-mandela-day-ten-things-you-must-know-about-indian-prisons>

¹² Writ Petition(s)(Civil) No(s).406/2013 RE-INHUMAN CONDITIONS IN 1382 PRISONS: <https://hrln.org/wp-content/uploads/2018/03/SC-order-17.2.17.pdf>

expenditure is indicative of the proportion of their budgets that states were able/willing to allocate towards expenditure on prisons. In the small, and large and mid-sized states clusters, only thirteen states registered a positive change in prison expenditure vis-à-vis overall state expenditure. In ten states, prison expenditure did not grow at the same pace as state expenditure; with Gujarat showing that while state expenditure rose by 12.5 per cent, prison expenditure actually fell by 9.3 per cent in 2015–2016. This reinforces the overall neglect prisons face, remaining largely ignored in terms of state priority, which necessarily impacts on their declared objective of being centres for the correction and rehabilitation of inmates.

Human Resources

Indicator

- Officers, vacancy¹³ (% , Dec 2016)
- Officer vacancy¹⁴ (pp, CY 2012-16)
- Cadre staff, vacancy (% , Dec 2016)
- Cadre staff vacancy (pp, CY 2012-16)
- Correctional staff vacancy (% , Dec 2016)
- Medical staff vacancy (% , Dec 2016)
- Medical officers vacancy (% , Dec 2016)

Overcrowding and staff shortages can be as hard on prison staff as prisoners. Low salaries, poor training, lack of promotional opportunities, long hours, arduous workloads and high vacancies at all levels characterize prison administrations across states. While the sanctioned strength is taken as the benchmark for what the staff strength should be, it is unclear how that has been arrived at, how often it is updated or whether it was even adequate in the first place.

On average, vacancies ranged from 33 per cent to 38.5 per cent with the highest numbers being at the level of officers and correctional staff. Between December 2012 and December 2016, even though the actual strength of prison personnel increased by 6 per cent, the number of vacancies rose to 10 per cent. Meanwhile the prison population has increased by 12 per cent.

With the exception of Chandigarh, Kerala and Nagaland, all states registered high levels of vacancies in 2016 across the five types of profiles for which we looked at vacancy.

At the cadre level, seventeen states and UTs had a vacancy of above 25 per cent. Uttarakhand had the highest vacancy of 72 per cent, followed by Jharkhand (69 per cent) and Bihar (66 per cent). All small states registered cadre staff vacancies at less than 30 per cent. At 9 per cent, Meghalaya had the least vacancies.

Over a period of five years, in the large and mid-sized states, Chhattisgarh made the most effort to improve these vacancies, lowering its numbers on average by 7 percentage points a year. Illustratively, it was 55 per cent as of December 2011 and 18 per cent as of December 2016. But cadre vacancies in Uttarakhand and Jharkhand have continued to rise by 6 and 4 percentage points respectively.

Similar to police, the situation is worse at the level of officers. As many as twenty-two of thirty-six states and UTs had vacancy levels of over 25 per cent. Jharkhand had the highest at 70 per cent, followed by Uttarakhand at 68 per cent. Among the small states, Arunachal Pradesh had a vacancy of 50 per cent, while Goa had the lowest at 11 per cent.

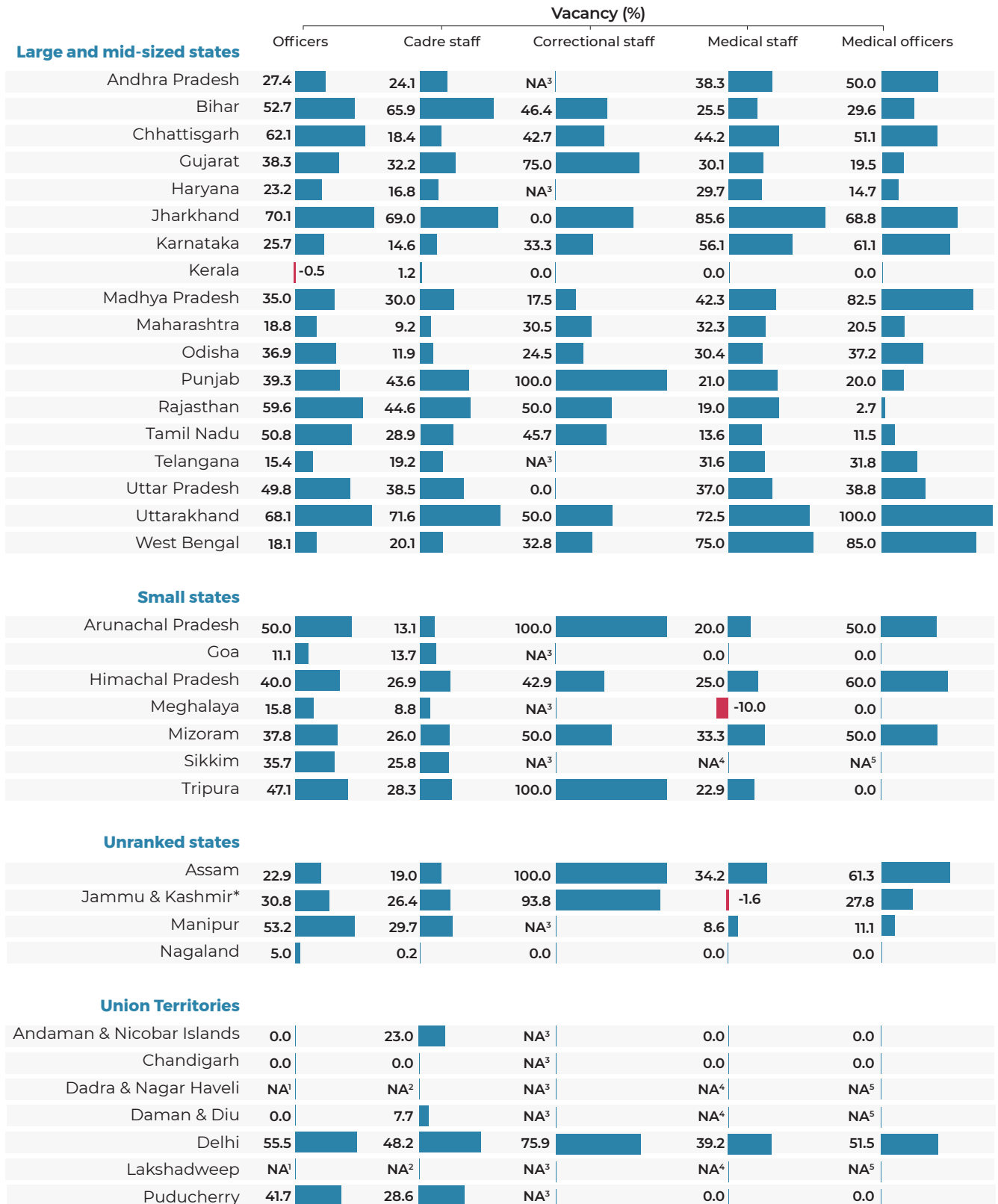
Improvement has been uneven. Between 2012–2016, Kerala, Karnataka, Chhattisgarh, Gujarat, West Bengal, Haryana, Bihar and Maharashtra reduced vacancies at both officer and cadre staff levels. Similarly, at the officer level, Maharashtra showed the most improvement among states in filling up officer vacancies, of an annual average

¹³ Including Superintendents.

¹⁴ Not including Superintendents as this was not provided as a disaggregated figure prior to PSI 2016-17.

Figure 11: Prison staff vacancies

Across states, vacancies are greater than 20% for most prison staff positions.



Data sources: Prison Statistics India (PSI), National Crime Records Bureau (NCRB)

Notes: 1. States and Union Territories are arranged in alphabetical order within respective cluster. 2. All data is as of December 2016. Specific notes: 1 PSI shows 0 prison officers. 2 PSI shows 0 cadre staff. 3 PSI shows 0 correctional staff. 4 PSI shows 0 sanctioned medical staff for Sikkim, and 0 actual medical staff for Dadra & Nagar Haveli, Daman & Diu and Lakshadweep. 5 PSI shows 0 sanctioned medical officers for Sikkim, and 0 actual medical officers for Dadra & Nagar Haveli, Daman & Diu and Lakshadweep. *pre-August 2019.

of 3.45 percentage points. In December 2011, Maharashtra's officer vacancy was 36 per cent and in December 2016 it was 19 per cent. Tamil Nadu (among the large and mid-sized states) and Tripura (among small states), however, showed an increasing trend in officer vacancies, rising by 8 and 7 percentage points respectively.

High vacancy levels when left uncorrected create practical compulsions. For instance, in some prisons, inmates must be crowded together and locked up in small spaces for prolonged periods despite the availability of vacant barracks; segregation of young and first-time offenders from repeat offenders becomes extremely difficult; prison industries and welfare initiatives remain minimal and visiting hours are badly compromised. Where rules provide for convicts to act as warders, convict officers or night watchmen, certain prisons come to be heavily dependent on long-term inmates, who manage various tasks, from main gate registration to working on all administrative tasks and even disciplining others. Dependence means their behaviour with other prisoners—any exploitation, violence, collusion in illegal activities or corruption—has to go unchecked.

Prisons are notorious for increased health risks and lowered life expectancy. The prevalence of HIV, sexually transmitted infections, Hepatitis B and C and tuberculosis in prison populations is 2 to 10 times higher than the general population.¹⁵ Prison mortality rate is increasing. The number of deaths per 100,000 prison population in 2001 was 311.8, and increased to 382.2 in 2016¹⁶. The Model Prison

Manual, 2016 lays down that there shall be at least one medical officer for every 300 prisoners and that in central prisons, there should always be one doctor available.¹⁷

Against the sanctioned 10 posts, Uttarakhand had no medical officer. Barring the Andaman and Nicobar Islands, Chandigarh, Goa, Kerala, Meghalaya, Nagaland, Puducherry and Tripura, twelve states and UTs had a shortfall of 50 per cent or more medical officers available.

Shifting as they are meant to, towards reform and rehabilitation, prison systems are required to have a special cohort of correctional staff. The Model Prison Manual, 2016 defines these as welfare officers, psychologists, lawyers, counsellors, social workers among others, and requires welfare units in place—all 'primarily concerned with the well-being of prisoners, undertaking individualized care for those needing institutional adjustment and responsiveness through correctional programmes'.¹⁸

As of 2016, seven states: Andhra Pradesh, Goa, Haryana, Manipur, Meghalaya, Sikkim, Telangana and all Union Territories, except Delhi, had not sanctioned even a single post for correctional staff.¹⁹ Another eleven—Arunachal Pradesh, Assam, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Mizoram, Rajasthan, Tripura, Uttar Pradesh and Uttarakhand—had less than ten sanctioned posts.

Only four states—Jharkhand, Uttar Pradesh, Kerala and Nagaland—had no vacancies at the correctional staff level. But a closer look reveals that Uttar Pradesh, with a prison population of nearly 100,000 inmates had only one sanctioned post for a correctional officer, while Kerala, with a much lower prison population (of 7,073 inmates), has the highest at 25.²⁰

15 http://naco.gov.in/sites/default/files/Brief%20write%20up%20on%20the%20publication%20-prisons_0.pdf

16 Based on Prison Statistics India 2001 and 2016.

17 Model Prison Manual, 2016. Available online at: <https://mha.gov.in/MHA1/PrisonReforms/NewPDF/PrisonManual2016.pdf>

18 Ibid, p 44.

19 Prison Statistics India, 2016 includes Probation Officers/ Welfare Officers; Psychologist/ Psychiatrist; Social Worker/ Others under correctional staff.

20 Prison Statistics India, 2016, p 249.

Table 5: Over 5 years, prisons not seeing improvements

Prisons have been unable to evolve into centres of correction, reflected in the fact that only 4 of the 25 ranked states were able to significantly improve on key capacity metrics.

	Worsened	Improved	Indicators improved on (out of 9)	Officer vacancy (pp)	Cadre staff vacancy (pp)	Share of women in prison staff (pp)	Inmates per prison officer (%)	Inmates per cadre staff (%)	Share of undertrial prisoners (pp)	Spend per inmate (%)	Prison budget used (pp)	Difference in spend: prisons vs state (pp)										
Large and mid-sized states																						
Bihar	■	■	■	■	■	■	■	■	■	■	■	■	7	-3.20	-3.15	-0.28	-0.4	-4.7	0.06	23.3	3.44	6.6
Chhattisgarh	■	■	■	■	■	■	■	■	■	■	■	■	7	-0.38	-7.26	-0.19	4.1	-4.0	-0.77	11.4	0.03	1.4
Kerala	■	■	■	■	■	■	■	■	■	■	■	■	7	-0.11	-0.15	-0.07	-0.3	0.0	-0.10	7.5	-0.68	0.5
Maharashtra	■	■	■	■	■	■	■	■	■	■	■	■	7	-3.45	-3.15	1.46	-1.0	0.4	1.10	12.2	0.51	2.0
Gujarat	■	■	■	■	■	■	■	■	■	■	■	■	6	-0.63	-2.68	0.59	-3.1	-6.8	1.19	11.0	-0.56	-21.8
Karnataka	■	■	■	■	■	■	■	■	■	■	■	■	6	-0.38	-4.03	0.74	3.6	-1.3	1.07	12.5	0.95	-1.2
Punjab	■	■	■	■	■	■	■	■	■	■	■	■	6	3.52	2.76	0.15	-9.7	10.7	-0.38	6.5	1.89	7.1
West Bengal	■	■	■	■	■	■	■	■	■	■	■	■	6	-1.59	-0.95	0.25	2.1	1.7	-0.09	11.4	0.59	-6.4
Haryana	■	■	■	■	■	■	■	■	■	■	■	■	5	-1.07	-4.40	0.19	2.3	-2.7	0.50	3.1	-1.16	-0.1
Uttarakhand	■	■	■	■	■	■	■	■	■	■	■	■	5	-0.12	5.60	0.24	3.6	14.4	0.12	25.6	0.12	0.9
Odisha	■	■	■	■	■	■	■	■	■	■	■	■	4	3.27	-2.14	0.98	10.9	1.8	1.19	1.2	-0.74	26.3
Tamil Nadu	■	■	■	■	■	■	■	■	■	■	■	■	4	7.91	3.54	0.89	55.6	7.5	-0.14	10.6	-0.60	2.1
Jharkhand	■	■	■	■	■	■	■	■	■	■	■	■	3	1.87	4.41	0.38	6.1	11.6	0.30	4.5	3.25	-2.1
Madhya Pradesh	■	■	■	■	■	■	■	■	■	■	■	■	3	4.40	4.23	0.76	1.9	-0.4	0.81	12.4	-1.79	-3.5
Rajasthan	■	■	■	■	■	■	■	■	■	■	■	■	3	1.21	0.27	0.86	3.0	-1.7	1.41	65.3	-2.28	-1.8
Uttar Pradesh	■	■	■	■	■	■	■	■	■	■	■	■	3	0.56	1.05	0.01	7.2	5.0	1.23	15.8	4.00	-4.4
Small states																						
Arunachal Pradesh	■	■	■	■	■	■	■	■	■	■	■	■	5	3.75	0.92	0.12	41.1	33.0	-4.92	20.4	0.01	7.4
Goa	■	■	■	■	■	■	■	■	■	■	■	■	5	-0.18	0.82	-0.15	-1.7	0.3	-1.88	84.4	-7.05	5.9
Sikkim	■	■	■	■	■	■	■	■	■	■	■	■	5	1.81	4.49	0.24	19.3	18.1	-0.53	3.7	5.37	3.0
Meghalaya	■	■	■	■	■	■	■	■	■	■	■	■	4	1.82	1.75	0.79	13.8	4.8	1.07	18.7	6.04	105.2
Mizoram	■	■	■	■	■	■	■	■	■	■	■	■	4	3.82	1.92	-1.50	11.4	4.9	-1.39	4.2	0.01	113.0
Himachal Pradesh	■	■	■	■	■	■	■	■	■	■	■	■	3	4.76	0.52	0.43	6.8	6.5	3.69	2.7	0.40	-1.3
Tripura	■	■	■	■	■	■	■	■	■	■	■	■	3	7.34	-0.04	-0.03	12.3	1.0	0.49	5.8	2.23	-9.4
Union Territories																						
Chandigarh	■	■	■	■	■	■	■	■	■	■	■	■	6	0.00	-2.94	0.65	-2.8	5.5	-2.14	21.6	0.00	29.6
Andaman & Nicobar Islands	■	■	■	■	■	■	■	■	■	■	■	■	5	0.00	1.84	-0.17	-25.8	-25.4	-4.17	17.1	0.37	-3.0
Puducherry	■	■	■	■	■	■	■	■	■	■	■	■	4	-5.51	2.08	0.51	-12.1	5.0	5.29	18.5	-1.58	-1.2
Daman & Diu	■	■	■	■	■	■	■	■	■	■	■	■	3	0.00	-3.08	-0.16	27.6	19.4	2.17	30.4	0.00	33.1
Dadra & Nagar Haveli	■	■	■	■	■	■	■	■	■	■	■	■	2	NA	NA	NA	NA	NA	0.00	5.4	0.00	35.8
Delhi	■	■	■	■	■	■	■	■	■	■	■	■	2	7.54	4.50	0.30	1.7	-0.6	0.87	-2.0	-0.80	-7.1
Lakshadweep	■	■	■	■	■	■	■	■	■	■	■	■	1	NA	NA	NA	NA	NA	0.00	-86.1	-7.80	32.2
Unranked states																						
Nagaland	■	■	■	■	■	■	■	■	■	■	■	■	4	0.49	0.05	-0.09	-3.3	-5.0	2.42	5.6	-0.10	3.4
Manipur	■	■	■	■	■	■	■	■	■	■	■	■	3	0.00	0.00	-0.16	-0.9	-4.4	2.73	7.4	-0.33	0.0
Assam	■	■	■	■	■	■	■	■	■	■	■	■	3	2.77	1.66	0.04	9.1	3.5	-0.26	10.2	-0.11	-21.3
Jammu & Kashmir*	■	■	■	■	■	■	■	■	■	■	■	■	3	0.39	1.32	0.38	10.8	7.4	-1.29	28.0	-1.82	-2.9

Data sources: Prison Statistics India (PSI), National Crime Records Bureau (NCRB); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Open Budgets India.

Notes: 1. States and Union Territories are arranged in decreasing order of counts of improvement within respective cluster. 2. All data is for calendar year 2012 to 2016 except 'spend per inmate' and 'prison budget used' (2012-13 to 2016-17) and 'difference in spend' (2011-12 to 2015-16). 3. Andhra Pradesh and Telangana have been excluded as 5-year data for these states was not available separately. 4. For Andaman & Nicobar Islands, difference in spend, 4-year trend has been taken as 2010-11 data was not available, *pre-August 2019.

Workload

Indicator

- Officers, vacancy (% , Dec 2016)
- Officer vacancy (pp, CY 2012-16)
- Cadre staff, vacancy (% , Dec 2016)
- Cadre staff vacancy (pp, CY 2012-16)
- Correctional staff vacancy (% , Dec 2016)
- Medical staff vacancy (% , Dec 2016)
- Medical officers vacancy (% , Dec 2016)

The Model Prison Manual, 2016 suggest a maximum of 6 inmates per cadre staff. As of 2016, only fifteen states met this benchmark. These include three large and mid-sized states: Kerala, Andhra Pradesh and Tamil Nadu. Looking at the national picture, the number of inmates per cadre staff (head warder, warder and other jail cadre staff including clerks) is the highest at 27 inmates per staff in Jharkhand and the lowest in Nagaland (one inmate per cadre staff). In most states, it is between 4 to 10 inmates per staff. While these ratios seem reasonable, they do not take account of the fact that the inmate per staff ratio has to be calculated as three eight-hour shifts for a full day job.

Regarding prison officers (Director General to Assistant Superintendent rank) per inmate, Jharkhand presents the highest ratio at 343 inmates per officer, followed closely by Uttar Pradesh at 304 inmates per officer. The best ratios were seen in Goa, at 20 inmates per prison officer, and Nagaland, at 11 inmates per prison officer.

Seen as a trend (2013–2017), among the ranked states, Kerala, Bihar and Gujarat are the only states to have consistently reduced the number of prisoners per prison cadre staff and officers. Among the small states, Arunachal Pradesh showed an increase in both inmates per prison cadre staff and officers, rising by 33 percentage

points and 41 percentage points respectively.

The Model Prison Manual, 2016 requires one correctional officer for every 200 prisoners and one psychologist/ counsellor for every 500. Only Odisha (124) and Nagaland (28) are below this figure. In reality, the ratio shoots up to one probation/welfare officer per 2,033 prisoners and unbelievably 21,650 prisoners, for one psychologist/ psychiatrist.²¹

Among the large and mid-sized states, this figure was above 95,000 inmates per correctional staff in Uttar Pradesh, followed by Gujarat with more than 12,000 inmates per correctional staff. Among the small states, Mizoram had the highest ratio of inmates per correctional staff at 1,161, while Himachal Pradesh had the lowest at 548 inmates per correctional staff.

Diversity

Indicator

- Women in prison staff (% , Dec 2016)
- Share of women in prison staff (pp, CY 2012-16)

Of the more than 433,000 inmates across the country, nearly 18,500 were women. Though not exclusively looking after female prisoners, there are just 9.6 per cent women across all levels of the prison administration. Only six states and UTs, Nagaland (22.87 per cent), Sikkim (18.82 per cent), Karnataka (18.74 per cent), Arunachal Pradesh (18.18 per cent), Meghalaya (17.05 per cent) and Delhi (15.18 per cent) have more than 15 per cent women staff. None of them come close to the 33 per cent suggested in policy documents. Goa and Telangana have only 2.2 per cent and 2.3 per cent women in prison staff respectively.

Looked at nationally, more than half (56 per cent) of all women are clustered into the guard or warder category, followed by 12 per cent at the ministerial non-gazetted levels.²² At the senior level, women are few and far between. Across the country there

²¹ Prison Statistics India, 2016, pp. 250-257

²² Ibid. pp. 258-259

are just 272 women jailors and women officers of the rank of deputy superintendent.

Rather than increasing women in the prison service the year-to-year trend between 2012–2016 shows negative growth in ten states and UTs: Mizoram, Bihar, Chhattisgarh, Andaman and Nicobar Islands, Manipur, Daman and Diu, Goa, Nagaland, Kerala and Tripura. Maharashtra had an increase of 1.4 percentage points while Odisha, Tamil Nadu and Rajasthan showed a marginal increase.

The intention of changing prisons from places of detention into places that maximize the chance of returning a reformed person into society is ill-served by allowing the infirmities of the system—such as overcrowding, shortage of staff, and lack of oversight—to continue without a refit for purpose. Correctional services, the world over, are acknowledged as specialized services which require specific skills and aptitude. The role of prison staff is of responsibility, courage and care.

The All India Committee on Jail Reforms (1980–

1983), popularly known as the Justice Mulla Committee, had made several recommendations to develop an All India Prison Service as a professional career service with appropriate job requirements, sound training and proper promotional avenues. Unfortunately, even nearly forty years on, these recommendations have not been systematically implemented. After the Mulla Committee Report, there had been no study on prisons and prison reforms, until the Supreme Court set up the Justice Amitava Roy Committee in 2018. The continued lack of money, personnel and infrastructural wherewithal required towards ensuring the humane treatment of prisoners and staff who care for them, is testimony to the lack of intention to support the avowed 'correctional' aspects of imprisonment.

Madhurima Dhanuka, Commonwealth
Human Rights Initiative

Sugandha Shankar, Commonwealth
Human Rights Initiative

Prof. Vijay Raghavan, TISS-Prayas

Box 3: Reforming prisons in Telangana

Over the past four years Telangana's prison administration has embarked on a journey to take the system from one based on security to a more human-centric one. With the reorganizing of existing accommodation, overcrowding in the state's prisons is now more the exception than the rule. Financial flexibility and autonomy allows the head of the department to decide on new initiatives rather than wait for ministry clearance. The reorganization of prison industries, collaboration with outside businesses and special opportunities for employment in petrol pumps across the state not only provides convicts and released prisoners a chance to earn, but gives the prison substantial profits that are ploughed back into prison development. Loans help prisoners' families get through the difficult days. Unhygienic toilets have been transformed into clean private places by paying prisoners to clean them. The overall physical and mental health quotient has improved greatly because of increased food varieties from prison canteens

and RO plants that ensure safer drinking water. A spectacular reduction in deaths—from 56 in 2014 to 8 in 2018—has come about by ensuring reliable on-site basic medical health care augmented by outside hospitals, connected by twenty-three ambulances and 100 per cent medical escorts being available around the clock. Collaboration with behavioural psychologists for collective behaviour therapy has helped change prisoner attitudes to life, crime and each other. More opportunities to communicate with the outside world have added to peace within: phone facilities now allow for prisoners to speak to their families and lawyers twice a week, and improved visiting facilities now allow visitors to speak to inmates by phone across glass partitions. With visible results, staff morale is high as is the motivation to learn new management techniques to engage with prisoners more closely and less harshly. Telangana's experiments have drawn prison administrators across India to visit, understand and learn from its reforms. The challenge before the leadership now is to change the age-old prison subculture and sustain and institutionalize its reform initiatives.

Table 6: Indicator-wise data, state scores and ranks

Theme	Budgets		Human resources			
	Indicator	Spend per inmate (Rs, 2016-17)	Prison budget utilised (%; 2016-17)	Officers, vacancy (%; Dec 2016)	Cadre staff, vacancy (%; Dec 2016)	Correctional staff, vacancy (%; Dec 2016)
Scoring guide	Higher, the better	Higher, the better	Lower, the better	Lower, the better	Lower, the better	Lower, the better
Large and mid-sized states						
Andhra Pradesh	39,631	77	27.4	24.1	NA ⁴	38.3
Bihar	34,741	85	52.7	65.9	46.4	25.5
Chhattisgarh	33,010	86	62.1	18.4	42.7	44.2
Gujarat	24,843	95	38.3	32.2	75.0	30.1
Haryana	16,653	94	23.2	16.8	NA ⁴	29.7
Jharkhand	31,154	84	70.1	69.0	0.0	85.6
Karnataka	28,229	97	25.7	14.6	33.3	56.1
Kerala	41,849	98	-0.5	1.2	0.0	0.0
Madhya Pradesh	41,409	89	35.0	30.0	17.5	42.3
Maharashtra	27,037	90	18.8	9.2	30.5	32.3
Odisha	29,275	90	36.9	11.9	24.5	30.4
Punjab	18,187	88	39.3	43.6	100.0	21.0
Rajasthan	14,683	77	59.6	44.6	50.0	19.0
Tamil Nadu	28,844	95	50.8	28.9	45.7	13.6
Telangana	22,512	92	15.4	19.2	NA ⁴	31.6
Uttar Pradesh	25,992	94	49.8	38.5	0.0	37.0
Uttarakhand	31,905	87	68.1	71.6	50.0	72.5
West Bengal	37,224	99	18.1	20.1	32.8	75.0
Small states						
Arunachal Pradesh	32,710	100	50.0	13.1	100.0	20.0
Goa	95,982	55	11.1	13.7	NA ⁴	0.0
Himachal Pradesh	22,354	100	40.0	26.9	42.9	25.0
Meghalaya	32,413	88	15.8	8.8	NA ⁴	-10.0
Mizoram	26,701	99	37.8	26.0	50.0	33.3
Sikkim	40,123	100	35.7	25.8	NA ⁴	NA ⁵
Tripura	29,064	75	47.1	28.3	100.0	22.9
Unranked states						
Assam	29,729	86	22.9	19.0	100.0	34.2
Jammu & Kashmir*	27,902	75	30.8	26.4	93.8	-1.6
Manipur	36,859	97	53.2	29.7	NA ⁴	8.6
Nagaland	70,218	99	5.0	0.2	0.0	0.0
Union Territories						
Andaman & Nicobar Islands	32,787	100	0.0	23.0	NA ⁴	0.0
Chandigarh	57,292	100	0.0	0.0	NA ⁴	0.0
Dadra & Nagar Haveli	16,667	100	NA ²	NA ³	NA ⁴	NA ⁵
Daman & Diu	67,797	100	0.0	7.7	NA ⁴	NA ⁵
Delhi	52,141	96	55.5	48.2	75.9	39.2
Lakshadweep	0 ¹	0 ¹	NA ²	NA ³	NA ⁴	NA ⁵
Puducherry	37,190	91	41.7	28.6	NA ⁴	0.0

States arranged by clusters in alphabetical order. *pre-August 2019.

Data sources: Prison Statistics India (PSI), National Crime Records Bureau (NCRB); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India.

Common notes: 1. Data for 'Dec 2016' is as of 31 December 2016. 2. pp. percentage points (the difference between two percentages). 3. NA: Not available. 4. CY: Calendar year; FY: Financial year.

Notes:

¹ PSI shows 0 prison expenditure.² PSI shows 0 prison officers.³ PSI shows 0 cadre staff.⁴ PSI shows 0 correctional staff.⁵ PSI shows 0 sanctioned medical staff for Sikkim, and 0 actual medical staff for Dadra & Nagar Haveli, Daman & Diu and Lakshadweep.

Table 6: Indicator-wise data, state scores and ranks

Theme	HR	Diversity	Infrastructure	Workload		
Indicator	Medical officers, vacancy (%; Dec 2016)	Women in prison staff (%; Dec 2016)	Prison occupancy (%; Dec 2016)	Inmates per officer (persons, Dec 2016)	Inmates per cadre staff (persons, Dec 2016)	Inmates per correctional staff (persons, Dec 2016)
Scoring guide	Lower, the better	Higher, the better	Lower, the better	Lower, the better	Lower, the better	Lower, the better
Large and mid-sized states						
Andhra Pradesh	50.0	5.7	82	36	5	NA ¹⁰
Bihar	29.6	5.2	88	194	17	409
Chhattisgarh	51.1	10.1	190	230	12	365
Gujarat	19.5	5.5	100	134	8	12,438
Haryana	14.7	5.6	98	116	8	NA ¹⁰
Jharkhand	68.8	7.3	111	343	27	2,147
Karnataka	61.1	18.7	108	141	11	7,422
Kerala	0.0	10.9	114	39	5	283
Madhya Pradesh	82.5	10.1	136	144	10	570
Maharashtra	20.5	12.0	120	59	10	242
Odisha	37.2	12.2	85	55	9	124
Punjab	20.0	7.1	100	184	14	NA ¹⁰
Rajasthan	2.7	10.6	102	162	10	5,091
Tamil Nadu	11.5	14.9	66	82	6	261
Telangana	31.8	2.3	88	53	7	NA ¹⁰
Uttar Pradesh	38.8	5.9	164	304	18	95,336
Uttarakhand	100.0	6.6	124	191	18	4,200
West Bengal	85.0	10.1	110	118	8	560
Small states						
Arunachal Pradesh	50.0	18.2	101	27	2	NA ¹⁰
Goa	0.0	2.2	37	20	3	NA ¹⁰
Himachal Pradesh	60.0	7.9	117	100	7	548
Meghalaya	0.0	17.1	132	60	5	NA ¹⁰
Mizoram	50.0	14.3	89	58	5	1,161
Sikkim	NA ⁶	18.8	132	41	5	NA ¹⁰
Tripura	0.0	7.2	43	55	2	NA ¹⁰
Unranked states						
Assam	61.3	12.8	100	69	13	NA ¹⁰
Jammu & Kashmir*	27.8	9.2	90	79	4	896
Manipur	11.1	14.0	54	30	2	NA ¹⁰
Nagaland	0.0	22.9	28	11	1	28
Union Territories						
Andaman & Nicobar Islands	0.0	9.0	41	46	2	NA ¹⁰
Chandigarh	0.0	7.8	69	192	9	NA ¹⁰
Dadra & Nagar Haveli	NA ⁶	NA ⁷	200	NA ⁸	NA ⁹	NA ¹⁰
Daman & Diu	NA ⁶	5.9	37	30	5	NA ¹⁰
Delhi	51.5	15.2	180	78	13	2,008
Lakshadweep	NA ⁶	NA ⁷	11	NA ⁸	NA ⁹	NA ¹⁰
Puduchery	0.0	5.7	58	40	3	NA ¹⁰

States arranged by clusters in alphabetical order. *pre-August 2019.

Data sources: Prison Statistics India (PSI), National Crime Records Bureau (NCRB); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India. Common notes: 1. Data for 'Dec 2016' is as of 31 December 2016. 2. pp: percentage points (the difference between two percentages). 3. NA: Not available. 4. CY: Calendar year, FY: Financial year.

Notes:

⁶ PSI shows 0 sanctioned medical officers for Sikkim, and 0 actual medical officers for Dadra & Nagar Haveli, Daman & Diu and Lakshadweep.

⁷ PSI shows 0 women staff.

⁸ PSI shows 0 officer staff.

⁹ PSI shows 0 cadre staff.

¹⁰ PSI shows zero correctional staff.

Table 6: Indicator-wise data, state scores and ranks

Theme	Indicator	Trends					
		Officer vacancy (pp, CY '12-'16)	Cadre staff vacancy (pp, CY '12-'16)	Share of women in prison staff (pp, CY '12-'16)	Inmates per prison officer (% , CY '12-'16)	Inmates per cadre staff (% , CY '12-'16)	Share of undertrial prisoners (pp, CY '12-'16)
Scoring guide		Lower, the better	Lower, the better	Higher, the better	Lower, the better	Lower, the better	Lower, the better
Large and mid-sized states							
	Andhra Pradesh ¹¹	NA	NA	NA	NA	NA	NA
	Bihar	-3.20	-3.15	-0.28	-0.4	-4.7	0.06
	Chhattisgarh	-0.38	-7.26	-0.19	4.1	-4.0	-0.77
	Gujarat	-0.63	-2.68	0.59	-3.1	-6.8	1.19
	Haryana	-1.07	-4.40	0.19	2.3	-2.7	0.50
	Jharkhand	1.87	4.41	0.38	6.1	11.6	0.30
	Karnataka	-0.38	-4.03	0.74	3.6	-1.3	1.07
	Kerala	-0.11	-0.15	-0.07	-0.3	0.0	-0.10
	Madhya Pradesh	4.40	4.23	0.76	1.9	-0.4	0.81
	Maharashtra	-3.45	-3.15	1.46	-1.0	0.4	1.10
	Odisha	3.27	-2.14	0.98	10.9	1.8	1.19
	Punjab	3.52	2.76	0.15	-9.7	10.7	-0.38
	Rajasthan	1.21	0.27	0.86	3.0	-1.7	1.41
	Tamil Nadu	7.91	3.54	0.89	55.6	7.5	-0.14
	Telangana ¹¹	NA	NA	NA	NA	NA	NA
	Uttar Pradesh	0.56	1.05	0.01	7.2	5.0	1.23
	Uttarakhand	-0.12	5.60	0.24	3.6	14.4	0.12
	West Bengal	-1.59	-0.95	0.25	2.1	1.7	-0.09
Small states							
	Arunachal Pradesh	3.75	0.92	0.12	41.1	33.0	-4.92
	Goa	-0.18	0.82	-0.15	-1.7	0.3	-1.88
	Himachal Pradesh	4.76	0.52	0.43	6.8	6.5	3.69
	Meghalaya	1.82	1.75	0.79	13.8	4.8	1.07
	Mizoram	3.82	1.92	-1.50	11.4	4.9	-1.39
	Sikkim	1.81	4.49	0.24	19.3	18.1	-0.53
	Tripura	7.34	-0.04	-0.03	12.3	1.0	0.49
Unranked states							
	Assam	2.77	1.66	0.04	9.1	3.5	-0.26
	Jammu & Kashmir*	0.39	1.32	0.38	10.8	7.4	-1.29
	Manipur	0.00	0.00	-0.16	-0.9	-4.4	2.73
	Nagaland	0.49	0.05	-0.09	-3.3	-5.0	2.42
Union Territories							
	Andaman & Nicobar Islands	0.00	1.84	-0.17	-25.8	-25.4	-4.17
	Chandigarh	0.00	-2.94	0.65	-2.8	5.5	-2.14
	Dadra & Nagar Haveli	NA ¹²	NA ¹²	NA ¹⁴	NA ¹²	NA ¹²	0.00
	Daman & Diu	0.00	-3.08	-0.16	27.6	19.4	2.17
	Delhi	7.54	4.50	0.30	1.7	-0.6	0.87
	Lakshadweep	NA ¹³	NA ¹³	NA ¹³	NA ¹³	NA ¹³	0.00
	Puducherry	-5.51	2.08	0.51	-12.1	5.0	5.29

States arranged by clusters in alphabetical order. *pre-August 2019.

Data sources: Prison Statistics India (PSI), National Crime Records Bureau (NCRB); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India.

Common notes: 1. Data for 'Dec 2016' is as of 31 December 2016. 2. pp: percentage points (the difference between two percentages). 3. NA: Not available. 4. CY: Calendar year; FY: Financial year.

Notes:

¹¹ Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately. ¹² PSI shows 0 prison officers/cadre staff in Dadra & Nagar Haveli for 3 of 5 years considered for trends. ¹³ PSI shows 0 for all prison staff in Lakshadweep. ¹⁴ PSI shows 0 for all women staff in Dadra & Nagar Haveli.

Table 6: Indicator-wise data, state scores and ranks

Theme Indicator	Trends			Score (out of 10)	Rank in cluster
	Spend per inmate (%), FY '13-'17)	Prison budget used (pp, FY '13-'17)	Difference in spend: prisons vs state (pp, FY '12-'16)		
Scoring guide	Higher, the better	Higher, the better	Higher, the better		
Large and mid-sized states					
Andhra Pradesh ¹¹	NA	NA	NA	4.35 ¹⁶	15
Bihar	23.3	3.44	6.6	5.61	6
Chhattisgarh	11.4	0.03	1.4	5.24	8
Gujarat	11.0	-0.56	-21.8	5.23 ¹⁶	9
Haryana	3.1	-1.16	-0.1	4.79	11
Jharkhand	4.5	3.25	-2.1	3.46	18
Karnataka	12.5	0.95	-1.2	6.50	3
Kerala	7.5	-0.68	0.5	7.18	1
Madhya Pradesh	12.4	-1.79	-3.5	5.30	7
Maharashtra	12.2	0.51	2.0	6.89	2
Odisha	1.2	-0.74	26.3	5.94	5
Punjab	6.5	1.89	7.1	4.35 ¹⁶	16
Rajasthan	65.3	-2.28	-1.8	4.72	12
Tamil Nadu	10.6	-0.60	2.1	5.23 ¹⁶	10
Telangana ¹¹	NA	NA	NA	4.48	13
Uttar Pradesh	15.8	4.00	-4.4	4.42	14
Uttarakhand	25.6	0.12	0.9	3.72	17
West Bengal	11.4	0.59	-6.4	6.12	4
Small states					
Arunachal Pradesh	20.4	0.01	7.4	4.10	3
Goa	84.4	-7.05	5.9	5.30	1
Himachal Pradesh	2.7	0.40	-1.3	3.46	6
Meghalaya	18.7	6.04	105.2	5.24	2
Mizoram	4.2	0.01	113.0	3.99	4
Sikkim	3.7	5.37	3.0	3.43	7
Tripura	5.8	2.23	-9.4	3.49	5
Unranked states					
Assam	10.2	-0.11	-21.3	Not ranked	
Jammu & Kashmir*	28.0	-1.82	-2.9	Not ranked	
Manipur	7.4	-0.33	0.0	Not ranked	
Nagaland	5.6	-0.10	3.4	Not ranked	
Union Territories					
Andaman & Nicobar Islands	17.1	0.37	-3.0 ¹⁵	Not ranked	
Chandigarh	21.6	0.00	29.6	Not ranked	
Dadra & Nagar Haveli	5.4	0.00	35.8	Not ranked	
Daman & Diu	30.4	0.00	33.1	Not ranked	
Delhi	-2.0	-0.80	-7.1	Not ranked	
Lakshadweep	-86.1	-7.80	32.2	Not ranked	
Puducherry	18.5	-1.58	-1.2	Not ranked	

States arranged by clusters in alphabetical order. *pre-August 2019.

Data sources: Prison Statistics India (PSI), National Crime Records Bureau (NCRB); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India.

Common notes: 1. Data for 'Dec 2016' is as of 31 December 2016. 2. pp: percentage points (the difference between two percentages). 3. NA: Not available. 4. CY: Calendar year; FY: Financial year.

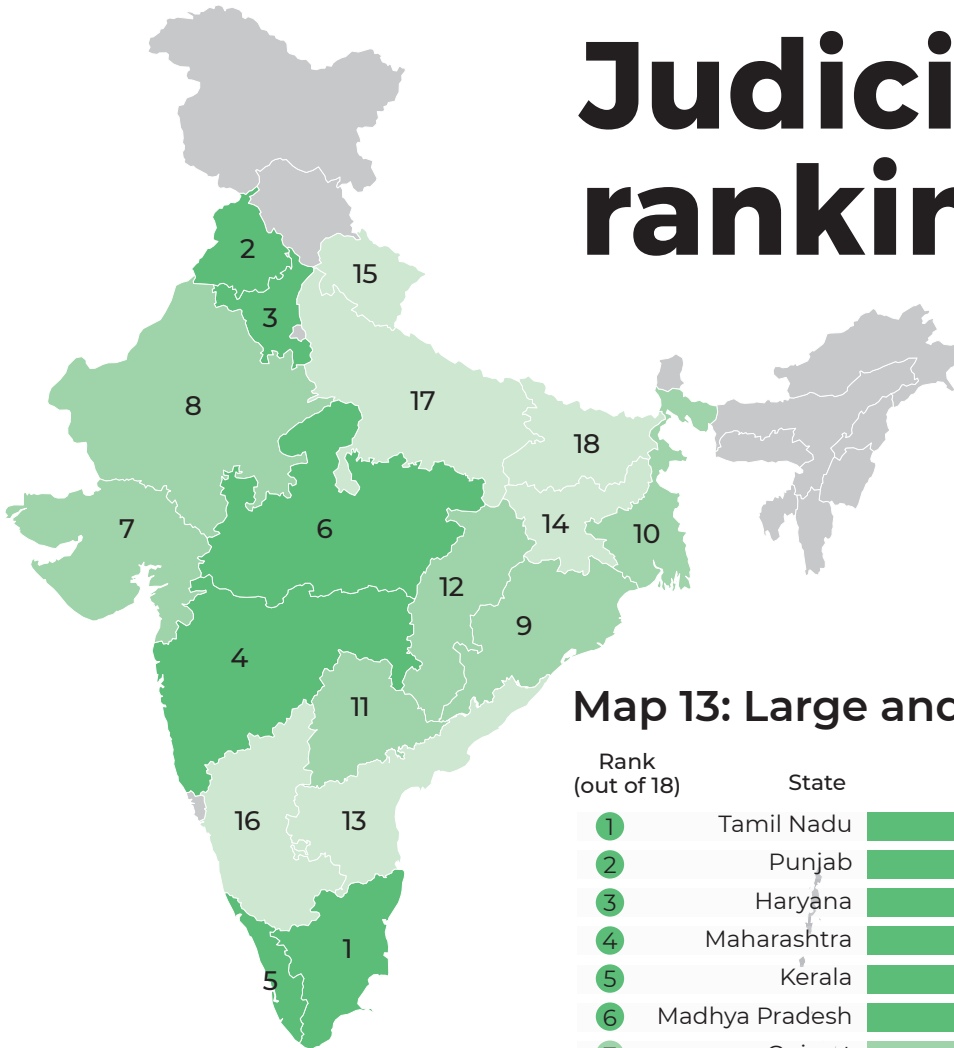
Notes:

¹¹ Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately. ¹⁵ For Andaman & Nicobar Islands, 4-year trend has been taken as 2010-11 data was not available. ¹⁶ For reasons of readability, scores are shown up to 2 decimals. While they both show the same score, Gujarat is ranked above Tamil Nadu on the third decimal (5.233 versus 5.231). Likewise, Andhra Pradesh is above Punjab (4.352 versus 4.351).



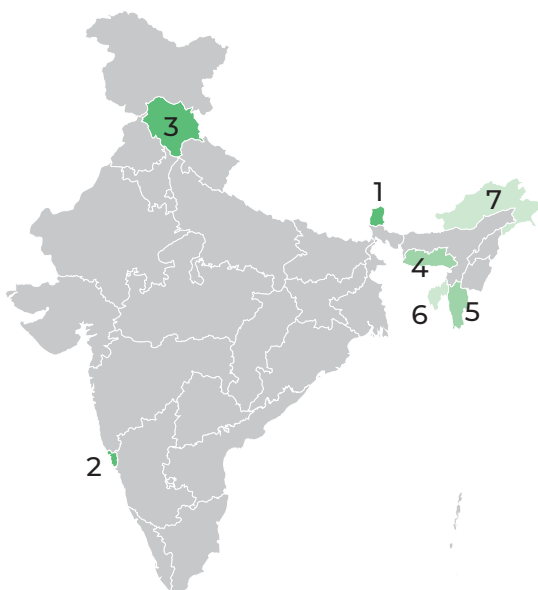
Judiciary

Judiciary ranking



Map 13: Large and mid-sized states

Rank (out of 18)	State	Score (out of 10)
1	Tamil Nadu	6.99
2	Punjab	6.57
3	Haryana	6.23
4	Maharashtra	5.96
5	Kerala	5.61
6	Madhya Pradesh	5.61
7	Gujarat	5.32
8	Rajasthan	5.04
9	Odisha	4.78
10	West Bengal	4.70
11	Telangana	4.68
12	Chhattisgarh	4.64
13	Andhra Pradesh	4.49
14	Jharkhand	4.30
15	Uttarakhand	4.17
16	Karnataka	3.76
17	Uttar Pradesh	3.70
18	Bihar	2.41



Map 14: Small states

Rank (out of 7)	State	Score (out of 10)
1	Sikkim	5.36
2	Goa	5.19
3	Himachal Pradesh	4.95
4	Meghalaya	3.74
5	Mizoram	3.66
6	Tripura	3.59
7	Arunachal Pradesh	2.81

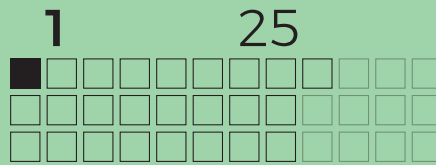
Note: 1. Map of Jammu & Kashmir is pre-August 2019. 2. For reasons of readability, the score is shown up to 2 decimals. While they both show the same score, Kerala is ranked above Madhya Pradesh on the third decimal (5.611 versus 5.606).

The capacity deficits

□ Data available ■ Meeting



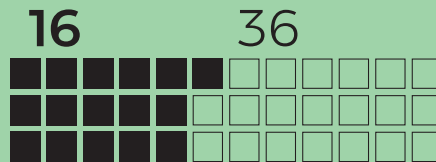
Judge vacancy:
High Courts



Number of High Courts where judge vacancy is below 20% (Sikkim).



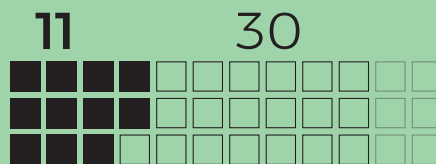
Judge vacancy:
subordinate courts



Number of subordinate courts where judge vacancy is below 20%



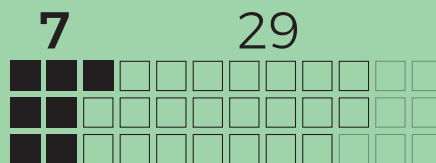
Courthalls



Number of states and Union Territories whose shortage in courthalls against sanctioned judges is below 10%.



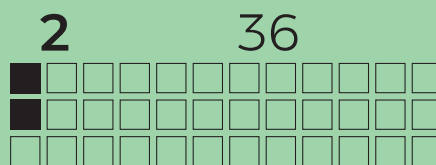
Budgets



Number of states and Union Territories where the increase in spending by the judiciary exceeded the increase in the overall state expenditure.



Clearance rate



Only Odisha and Tripura had a case clearance rate above 100% in both High Court and subordinate court levels.

The other deficits

39.5%

Share of cases in Bihar subordinate courts that have been pending for more than 5 years.



2.7 yrs
to 9.5 yrs

The lower and upper range among states in the average duration that a case was pending in subordinate courts.

Judiciary: Pending woes

The vital hallmarks of a well-functioning judiciary are its predictability, easy and inexpensive accessibility for all, and its ability to resolve disputes within a definite and reasonable time frame. A close analysis of resources helps state and central governments to better identify avenues for reforms in an evidence-based manner¹ and facilitates a more informed design and implementation of judicial reforms².

It bears repeating that a robust justice delivery system is vital for strengthening democratic norms and enforcing the rule of law. As the adjudicatory branch of the state, the judiciary is important because it is both a dispute resolution mechanism for individuals and entities, and an oversight mechanism for the actions of the legislature and the executive³.

The capacity of the judiciary to deliver is significantly influenced by the infrastructure, budgets and human resources available to it, and the diversity within it. In a federal country like India where the organization, finances, and human resources available to the judiciary vary considerably from state to state, the analysis of its capacity at a state level is crucial to better understand the pitfalls in the overall system.

Budgets

Indicator

- Per capita spend on judiciary (Rs, 2015-16)
- Difference in spend: judiciary vs state (pp, FY '12-'16)

At present, both the central and state governments contribute towards the finance allocated to a state's judiciary, with the concerned state government funding the lion's share. Given the competition for financial resources, the judiciary often finds itself at a disadvantage because it is not generally perceived as an 'essential' or direct public service unlike health, housing, or education. However, a well-functioning judiciary is without doubt vital to the maintenance of rule of law, social cohesion, and sustainable development.

Much like other sectors, the judiciary's budgets are

NOTE: 4 states (Assam, Jammu and Kashmir [pre-August 2019], Manipur and Nagaland), and the 7 UTs (Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Lakshadweep and Puducherry) have not been ranked. CY: Calendar year; FY: Financial year; pp: percentage points (the difference between two percentages).

1 Langer L, Tripney J, and Gough D. (2016), 'The Science of Using Science: Researching the use of research evidence in decision-making', EPPI-Centre (SSRU), UCL Institute of Education. Available online at <https://eppi.ioe.ac.uk/cms/Portals/0/PDF%20reviews%20and%20summaries/Science%202016%20Langer%20report.pdf?ver=2016-04-18-142701-867>, last accessed on 17 April 2019.

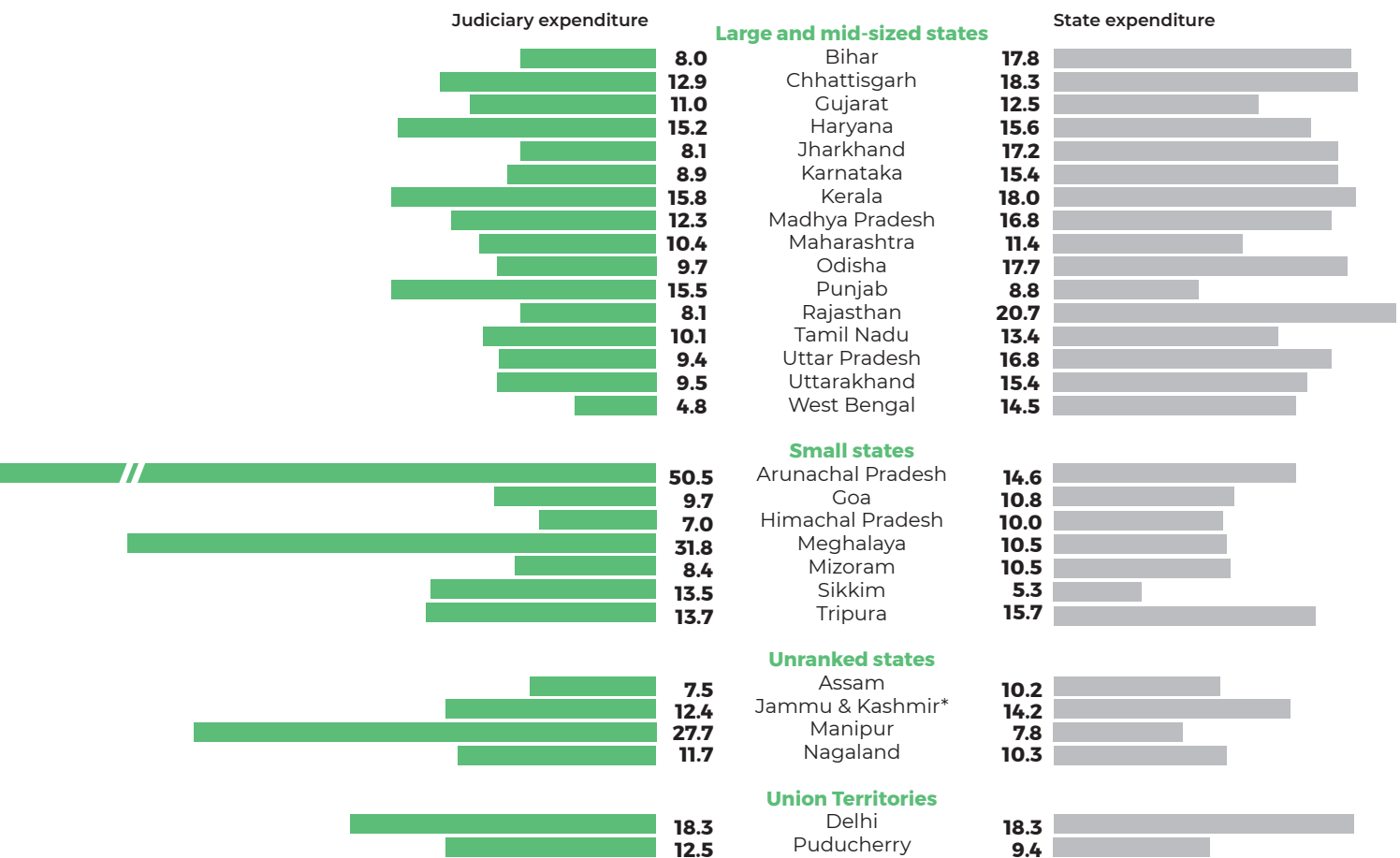
2 Maria Dakolias, 'Court Performance Around the World: A Comparative Perspective', Yale Human Rights and Development Journal, 1(2), pp 87-88.

3 Krishnaswamy, S., K Sivakumar, S., & Bail, S., 'Legal and Judicial Reform in India: A Call for Systemic and Empirical Approaches', Journal of National Law University Delhi, 2(1), pp 1-25, 8, 2014.

Figure 12: Judiciary, a lower budgetary priority of the state

Between 2011-12 and 2015-16, the average increase in judiciary expenditure trailed the average increase in state expenditure in 22 states and UTs.

Average 5-year increase from 2012-12 to 2015-16 (%)



Data source: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India.

Notes: 1. States and Union Territories are arranged in alphabetical order within their respective cluster. 2. Five Union Territories have been excluded from this graphic as their judiciary expenditure data was not available: Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, and Lakshadweep. 3. Andhra Pradesh and Telangana have been excluded as 5-year data for these states was not available separately. *pre-August 2019.

calculated based on historically recurring expenses. This mechanical approach has been critiqued by the Supreme Court in its seminal document proposing the constitution of the National Court Management Systems (NCMS), in 2012⁴. The apex court highlighted the lack of training among judicial officers to plan and prepare budgets, and recommended bringing on board professionals to assist in the budgeting process.⁵

Currently, judiciary budgets cover establishment costs, i.e. salary, allowances, and minimum operational costs, but do not usually stretch to capacity building or allow for innovation and experimentation.⁶

On average, no state or UT apart from Delhi spent even 1 per cent of its budget on the judiciary. Nationally, India spends 0.08 per cent.⁷ All states

4 Supreme Court of India (2012), 'National Court Management Systems (NCMS): Policy and Action Plan', available online at <https://www.sci.gov.in/pdf/NCMSP/ncmspap.pdf>, last accessed on 10 May 2019.

5 Ibid., p 44.

6 Avanti Durani, Rithika Kumar, and Neha Sinha, 'Judicial Budgets: From Financial Outlays to Time-bound Outcomes', in Harish Narasappa, Shruti Vidyasagar and Ramya Sridhar Tirumalai (eds.), *Approaches to Justice: A Report*, pp. 225-232, Bengaluru: DAKSH and EBC, 2016. Available online at http://dakshindia.org/Daksh_Justice_in_India/32_chapter_05.xhtml (accessed on 19 April 2019).

7 <http://www.cbgaindia.org/wp-content/uploads/2019/01/Memorandum-on-Budgeting-for-Judiciary-in-India.pdf>

combined (excluding the central government) spent 0.54 per cent of their total expenditure on the judiciary in 2015–2016. Just one state/UT spent more than 1 per cent, which was Delhi, with 1.9 per cent. Beyond Delhi, the percentage of budget spent on judiciary ranged from 0.1 per cent (Arunachal Pradesh) to 0.96 per cent (Punjab). There were eighteen states spending between 0.5 per cent and 1 per cent on the judiciary, including thirteen from our large and mid-size states⁸.

In the absence of any guidelines/policy/law/ process by which to arrive at an ideal that a state must spend to ensure efficient functioning, determining a benchmark was a challenge. Hence, there was little option but to use per capita expenditure as a useful objective comparator between states to evaluate the adequacy of budgetary allocations to the judiciary. The average five-year change in expenditure is indicative of the proportion of their incremental budgets that states were able/willing to allocate. This can be interpreted as being reflective of the priority that a state accords to its judiciary.

In the large and mid-sized category, Haryana spends the most (₹201) per capita, while West Bengal at the bottom spends one-fourth of that (₹52). In the small state category, the per-capita spend ranges from Rs 464 in Sikkim to one-sixth of that (₹78) in Arunachal Pradesh.

However, higher per capita expenditures do not necessarily translate into better infrastructure, lower vacancies, or speedier disposal of cases. Illustratively, while Punjab and Haryana had high per capita spends for judiciary, both also had high vacancies across courts (46 per cent in the High Court and about 20 per cent in the subordinate courts). On the other hand, Gujarat and Odisha, with relatively lower per capita spends, were able to dispose more cases than the number filed in that year (2016–2017) in subordinate courts; Gujarat cleared nearly 30 per cent more cases than were filed, while Odisha cleared nearly 6 per cent more.

While most states have been showing an increase

in spend on the judiciary on a year-on-year basis, this increase is less than the increase in the size of the overall budget of states, thus giving the administration less fiscal room to fill gaps and effect improvements. Looked at over 5 years (2011–2012 to 2015–2016), of the seven states where the increase in budgetary spend on the judiciary exceeded the increase in the total state expenditure, five are from the North-east, led by Arunachal Pradesh which increased its budget by 36 percentage points. The fifteen large and mid-sized states whose increment in judiciary budgets has trailed their overall state spend the most include several states with very high average pendency. Illustratively, Rajasthan saw its total budget (financial year 2011–2012 and 2015–2016) increase by an average of 20 per cent but its judiciary budget increased by only 8 per cent.

Trends

Indicator

- Cases pending (per High Court judge) (% , 2013-17)
- Cases pending (per subordinate court judge) (% , 2013-17)
- Total cases pending (High Court) (% , 2013-17)
- Total cases pending (subordinate court) (% , 2013-17)
- Judge vacancy (High Court) (pp, 2013-17)
- Judge vacancy (subordinate court) (pp, 2013-17)
- Case clearance rate (High Court) (pp, 2013-17)
- Case clearance rate (subordinate court) (pp, 2013-17)
- Change in judiciary spend to state spend (pp, 2012-16)

Looked at across all judiciary indicators, Tamil

⁸ Derived from CAG documents (2015-16). Available online at https://cag.gov.in/sites/default/files/cfra_account_files/CFRA_Vol_3_2015_16.pdf

Table 7: Over 5 years, improvements in judicial capacity?

Courts across states and UTs have been struggling to improve on key capacity metrics. Of the 25 ranked states, Tamil Nadu was the only one to have significantly improved.

	Indicators improved on (out of 9)	Cases pending (per High Court judge) (%)	Cases pending (per sub. court judge) (%)	Total cases pending (High Court) (%)	Total cases pending (sub. court) (%)	Judge vacancy (High Court) (pp)	Judge vacancy (sub. court) (pp)	Case clearance rate (High Court) (pp)	Case clearance rate (sub. court) (pp)	Difference in spend: judiciary vs state (pp)
Large and mid-sized states										
Tamil Nadu	7	-5.6	-6.1	-6.9	-1.7	3.47	-0.42	1.29	0.17	-3.29
Gujarat	6	-3.3	-7.2	1.4	-2.7	-0.19	-2.72	-3.06	6.11	-1.45
Odisha	6	-8.5	-3.1	-9.5	-0.7	1.15	2.46	4.75	4.19	-7.97
West Bengal	6	-6.8	-2.8	-8.4	0.0	3.53	-1.00	3.50	-3.32	-9.66
Maharashtra	5	-5.7	-4.3	-4.9	-0.9	2.82	-1.03	-1.40	-7.71	-1.03
Rajasthan	5	-6.2	-5.3	-1.9	1.4	-0.13	-1.33	-3.55	-2.31	-12.59
Punjab	4	4.3	-7.9	4.5	-1.4	2.32	-0.25	-1.95	-0.58	6.77
Uttar Pradesh	4	-4.6	2.0	-1.6	0.9	-1.66	3.75	2.91	-0.65	-7.38
Haryana	3	4.3	-6.8	4.5	-0.6	2.32	-0.64	-1.95	-0.57	-0.34
Uttarakhand	2	17.1	-2.9	10.3	5.5	3.66	-4.57	-2.27	-1.97	-5.86
Bihar	1	7.3	4.8	2.6	5.8	5.82	1.25	-4.84	1.59	-9.81
Chhattisgarh	1	5.4	-6.0	1.3	1.2	4.29	0.50	-4.73	-0.11	-5.47
Jharkhand	0	4.2	1.2	6.8	2.6	1.00	3.25	-1.59	-1.41	-9.06
Karnataka	0	15.3	0.5	7.8	3.6	6.71	2.30	-3.03	-1.87	-6.45
Kerala	0	2.5	6.1	5.5	7.5	1.00	0.93	-2.76	-0.13	-2.16
Madhya Pradesh	0	5.3	0.5	4.5	2.0	3.44	2.02	-0.20	-0.84	-4.56
Small states										
Meghalaya	6	-9.5	8.4	-10.1	40.4	6.25	-6.88	4.86	2.06	21.33
Himachal Pradesh	5	-1.7	1.1	-7.2	5.4	4.16	-0.94	3.61	0.05	-3.08
Arunachal Pradesh	4	-4.4	-4.5	-8.8	17.2	3.54	5.68	-4.16	-9.45	36.00
Tripura	4	-19.2	21.4	-17.9	24.8	6.52	-0.24	-3.92	0.68	-2.07
Sikkim	3	15.4	-3.5	22.2	3.5	-5.00	0.68	-2.87	-0.43	8.16
Goa	2	-5.7	4.7	-4.9	7.5	2.82	0.30	-1.40	-0.55	-1.18
Mizoram	2	-4.4	3.6	-8.8	2.3	3.54	0.24	-4.16	-1.13	-2.08
Unranked states										
Manipur	8	-14.0	-10.2	-5.0	-3.3	-3.75	-1.62	-9.26	1.56	19.80
Jammu & Kashmir*	5	-6.8	-9.1	-4.6	-6.5	0.61	0.59	4.41	-0.98	-1.82
Assam	4	-4.4	-4.0	-8.8	0.2	3.54	-0.29	-4.16	-0.21	-2.74
Nagaland	4	-4.4	-0.2	-8.8	0.5	3.54	0.71	-4.16	-7.91	1.38
Union Territories										
Andaman & Nicobar Islands	6	-6.8	-2.8	-8.4	0.0	3.53	-1.00	3.50	-3.32	NA
Puducherry	4	-5.6	2.3	-6.9	1.6	3.47	2.81	1.29	-0.23	3.10
Chandigarh	2	4.3	-14.1	4.5	-8.0	2.32	0.00	-1.95	-2.72	NA
Dadra & Nagar Haveli	2	-5.7	2.2	-4.9	1.0	2.82	0.00	-1.40	-3.05	NA
Daman & Diu	2	-5.7	2.2	-4.9	1.0	2.82	0.00	-1.40	-3.05	NA
Delhi	2	2.4	-3.8	1.4	-2.9	3.48	2.64	-3.53	-7.35	-0.02
Lakshadweep	2	2.5	25.0	5.5	12.3	1.00	-5.00	-2.76	7.81	NA

Data source: Court News, Supreme Court of India; Data source: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India

Notes: 1. States and Union Territories are arranged in decreasing order of improvement count within respective cluster. 2. All data is for the period 2012-13 to 2016-17, except 'difference in spend' (2011-12 to 2015-16). 3. States and UTs that share a High Court have been assigned the same value. 4. Judiciary expenditure data was not available for Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, and Lakshadweep. 5. Andhra Pradesh and Telangana have been excluded as 5-year data for these states was not available separately. *pre-Budget 2019.

Nadu scored the highest. Its judiciary improved its capacities across more indicators than other states. The 'changes' indicated by the trends, whether positive or negative, are not evenly spread across all the indicators and the complex picture hides particularities within states. Gujarat, for instance, performed well in reducing the number of pending cases and vacancies. However, cases pending for 5–10 years and over 10 years cumulatively accounted for 27 per cent of the total number of cases pending. Tamil Nadu, which performed better on improving the number of cases pending at the High Court level, and the cases pending per High Court judge, fell behind Gujarat on the high level of vacancies in its subordinate courts and High Court.

It would be simplistic to draw conclusions and correlations between any two states on their respective performance on static or trend indicators because, of a total 24 indicators, five-year data was available for only 9. In addition to this statistical limitation, the intrinsically complex nature of the judiciary and its various functions precludes any simple conclusions based only on quantitative analysis.

Human Resources

Indicator

- High Court judge vacancy (% , 2016-2017)
- Subordinate court judge vacancy (% , 2016-17)
- Population per High Court judge (Persons, 2016-17)
- Population per subordinate court judge (Persons, 2016-17)
- High Court staff vacancy (% , 2016-17)
- Judge vacancy (High Court) (pp, 2013-17)
- Judge vacancy (subordinate courts) (pp, 2013-17)

Judicial vacancies naturally affect both qualitative and quantitative outcomes. Restricting ourselves here to a quantitative analysis, the data reveals a linkage between long-standing vacancies and the increase in case load—sometimes to a very high degree. Inevitably, this reduces the time and attention that can be spent on each case, stretches out the period litigants must wait for resolution, perpetuates case accumulation, and ensures inevitable delays well into the future.

Each state has a sanctioned strength of High Court and subordinate court judges, and an actual strength that carries out its day-to-day functioning. While the sanctioned number itself may or may not be sufficient, it provides a benchmark for ranking states on their intention to fill up at least the number of posts they estimate will be needed to handle judicial functions in the future⁹.

Not a single High Court or state's subordinate judiciary had reached its complete complement of sanctioned judicial posts. Subordinate court vacancies ranged from a figure as low as in Maharashtra (4.5 per cent) to more than half the sanctioned posts being vacant as in the case of Mizoram (52 per cent). Bihar, Gujarat, Jharkhand and Uttar Pradesh all have high judicial vacancies in the subordinate courts of over 30 per cent, while Maharashtra, Tamil Nadu and West Bengal had less than 12 per cent.

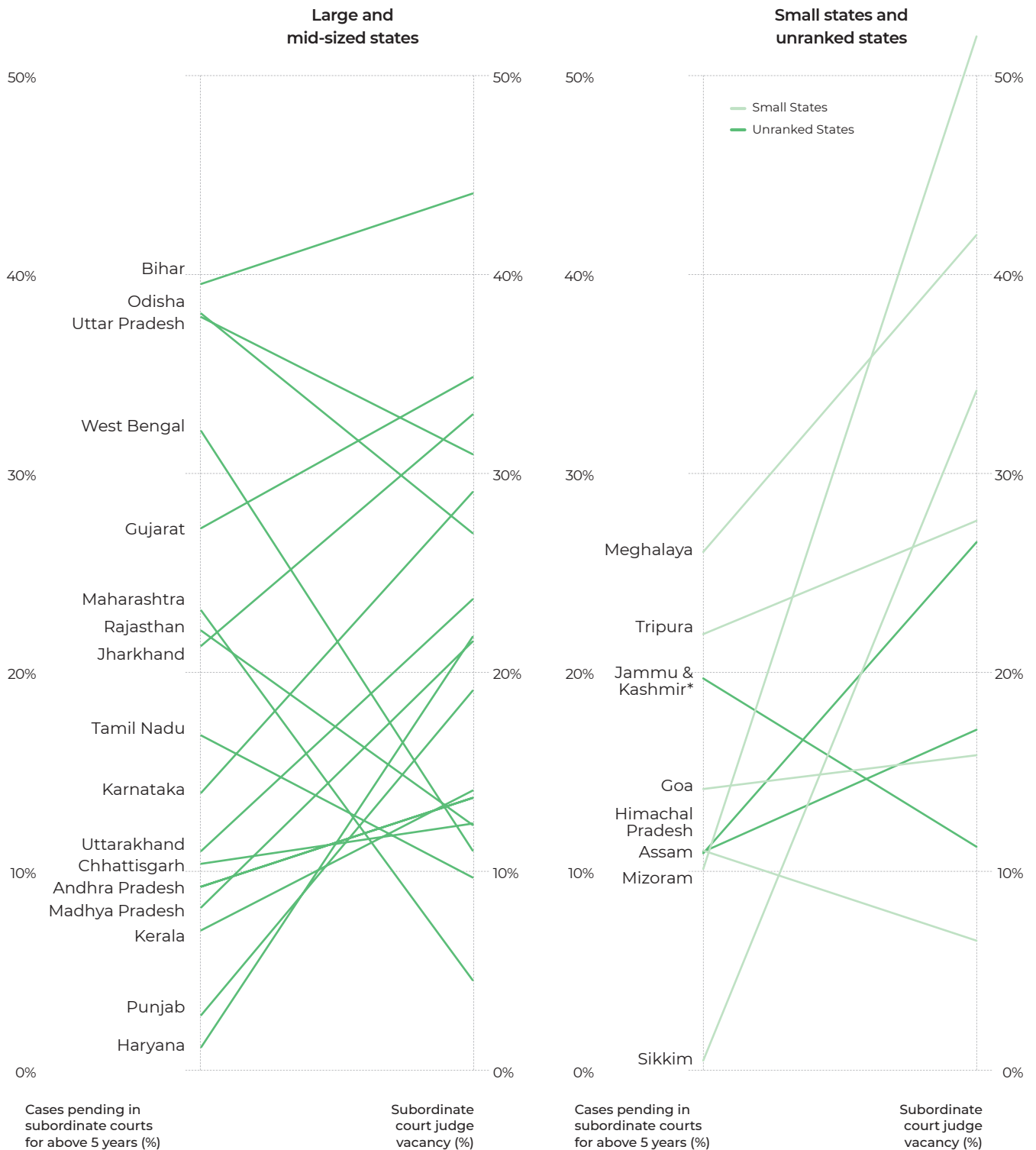
Each of our eighteen large and mid-sized states had High Court judge vacancies of above 25 per cent i.e. 1 in every 4 sanctioned High Court judge positions had not been filled. At the level of subordinate courts, six of the eighteen states had vacancies of above 25 per cent.

Even in states where judges are most needed, vacancies were on the rise. For example, Bihar and Uttar Pradesh, two of the five states with the highest number of pending cases, also showed subordinate court vacancies growing over 5 years (financial year 2013–2014 to 2016–2017).

⁹ American Bar Association. 'Judicial Vacancies', available at https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/independence_of_the_judiciary/judicial_vacancies/ (accessed on 19 April 2019).

Figure 13: Lower courts: vacancy and pendency

Increasing pendency is often attributed to the rising levels of vacancies in courts. States do not necessarily correspond to this. Ideally, in this chart, states should be towards the lower end of both pendency and vacancy.



Data sources: National Judicial Data Grid; Court News, Supreme Court of India.

Notes: 1. Data for 'cases pending in subordinate courts for above 5 years' as of August 2018; data for 'subordinate court judge vacancy' as of 2016-17. 2. Data on cases pending above 5 years for Arunachal Pradesh and Nagaland was not available. Hence, they have been excluded from this graphic. 3. The graph for Telangana is identical to Andhra Pradesh as the respective data sources for this indicator give combined figures for the two states. *pre-August 2019.

In the same period, Punjab and Haryana had made some progress: with fewer vacancies, a higher judge to population ratio, and much fewer cases pending for over 5 years.

In general, in the five-year period from 2012-2013 to 2016-2017, states had done better in reducing judge vacancies at lower levels than High Court levels. Eight states had reduced vacancies at the lower levels, but only three had done so at the High Court level. Gujarat and Rajasthan were the only two states to have reduced at both levels, but still had vacancies. Gujarat had 35 per cent judge vacancy in its subordinate courts and 39 per cent in its High Court. Rajasthan had 12 per cent judge vacancy in its subordinate courts and 35 per cent in its High Court.

India currently has not implemented a scientific method to calculate the number of judges required to handle litigation in the country. Historically, a judge to population ratio was recommended to calculate the number of judges required¹⁰. However, the Supreme Court has evaluated other methods to calculate judge strength, with the most recent method being the units system method recommended by the National Court Management Systems Committee (NCMSC).¹¹ Further, a time-based, weighted, case-load method has also been advocated for the same.¹²

As there is a limited amount of publicly available information, calculating the required judge strength based on the NCMSC's method will not be possible. Hence, the judge to population ratio has been discussed in this report to provide an approximate estimate of the judiciary's capacity to provide justice.

At an all-India level, in twenty-seven states and UTs, there is just one subordinate court judge for over 50,000 people. This includes seventeen of the eighteen large and mid-sized states, where 90 per cent of the country's population resides. But in five of these states, the ratio exceeds one judge per lakh population at the subordinate court level.

Delhi and Chandigarh though are better off at around 35,000 people per judge at the same level.

Across states, the judge to population ratio varies a great deal. Among the small states, Goa, at 30,386, had the best judge to population ratio at the subordinate court level. Among the larger states, at the subordinate courts level, Haryana with almost 50,300 people per judge had a better ratio than Uttar Pradesh, Bihar, West Bengal, and Andhra Pradesh where this number exceeded one lakh per judge.

A simple judge to population formula tempts the conclusion that fewer judges means longer waits and higher arrears, but no direct causality can be readily drawn between the two. For example, among the large and mid-sized states, at the subordinate courts level, judges in Jharkhand and Chhattisgarh had the lowest case load: 750 and 824 cases pending per judge respectively. Yet they were taking, on average, about 6 years to settle a case. In contrast, Uttarakhand and Punjab had a slightly higher case load (867 and 958 respectively) but were taking 4 years on average to settle a case.

Among the small states, Goa and Mizoram had low population to subordinate court judge ratios, however Mizoram had a low average pendency in both courts. Goa, despite having the lowest population per subordinate court judge ratio had a much higher pendency (5.05 years).

At the High Court level, Chhattisgarh had a high population per judge ratio and a high percentage of judicial (53 per cent) and non-judicial (35 per cent) vacancies, but low average pendency (2.3 years). Similarly, Tamil Nadu had a relatively lower population per judge (1 for every 15,61,595 persons) ratio, a low percentage of vacancies (34 per cent), but also a low average pendency (2.5 years). Since average pendency is influenced by multiple factors— such as the dominant type of cases being filed, the rate of institution of cases etc.—it is entirely possible a court has the capacity to handle its docket despite a shortfall of judges.

¹⁰ Law Commission of India. One hundred twentieth report on 'Manpower Planning in the Judiciary: A Blueprint' (1987). <http://lawcommissionofindia.nic.in/101-169/Report120.pdf>

¹¹ <http://doj.gov.in/sites/default/files/NCMS%20Report.pdf>

¹² http://dakshindia.org/wp-content/uploads/2019/05/PublicNotice_3MRRIN3QTHN.pdf (pp 40-41).

Shortage of non-judicial staff also hampers the functioning of the judiciary. However, paucity of readily available data for non-judicial staff strength means that the adverse effect of their shortages on delay and dysfunction remains unstudied¹³ and hidden. Available data from Courts signposts that 10 of the 18 large and mid-sized states—Chhattisgarh, Bihar, West Bengal, Uttarakhand, Tamil Nadu, Odisha, Uttar Pradesh, Gujarat, Punjab Haryana—work with more than 25 per cent non-judicial staff vacancies. But the unavailability of similar data at the subordinate court levels makes it impossible to accurately assess the actual need or the cumulative effect on the efficient delivery of justice in courts of first instance.

Workload

Indicator

- Average High Court pendency (Years, 2017-18)
- Average subordinate court pendency (Years, 2017-18)
- Cases pending (5-10 years) (subordinate courts) (% , 2018)
- Cases pending (10+ years) (subordinate courts) (% , 2018)
- Case clearance rate (High Court) (2016-17)
- Case clearance rate (subordinate courts) (2016-17)
- Case clearance rate (subordinate courts) (2012-17)
- Case clearance rate (High Court) (2012-17)

The Indian judiciary has historically grappled with the problem of delays and arrears. Over

the past decades, several high-level committees have examined the problem and recommended solutions.¹⁴ There is also ample research and discussion surrounding the impact of delays on litigants, on the deteriorating public perception of the system, the negative effects on the rule of law, and the economic costs to the country. In 2016, it was estimated that judicial delays cost India around 0.5 per cent of its GDP annually i.e. ₹50,387 crore (2015–2016 GDP).¹⁵ And yet, delays persist.

To assess how well the thorny issue of delay and arrears is being dealt with in each state, the report takes account of average pendency (how long on average a case remains pending before the courts) and the clearance rate (the number of cases disposed in a year, given the number of cases filed in that year). It also measures the five-year trends to estimate if things are improving on time.

Of course, not all cases need the same time for disposal. Complex commercial suits can take an average of just under 1500 days to clear¹⁶ while a traffic violation may take just a single hearing to clear a fine. With that caveat, the average pendency does give a macro picture of how states are doing overall.

At the subordinate court level, in twenty-one states and UTs, a case remains pending for 5 years on average or more. At the High Court level, among the large and mid-sized states, cases in Uttar Pradesh remained pending the longest at 4.3 years, while cases in Uttarakhand remained pending for 1.7 years. Among the small states, while the High Courts of Meghalaya (1.3 years), Sikkim (1.7 years), and Mizoram (2 years) had the lowest average pendency, Tripura (2.1 years), Goa (2.9 years), and Himachal Pradesh (3 years) had the highest. The range, too, varied: cases in Gujarat's subordinate courts remained pending for up to 9.5 years on average, while in Rajasthan's subordinate courts the average wait was 3.7 years.

¹³ Justice Lokur M.B. (2003), 'Case management and court administration', available online at http://lawcommissionofindia.nic.in/adr_conf/Justice_Lokur.pdf (last accessed on 10 May 2019).

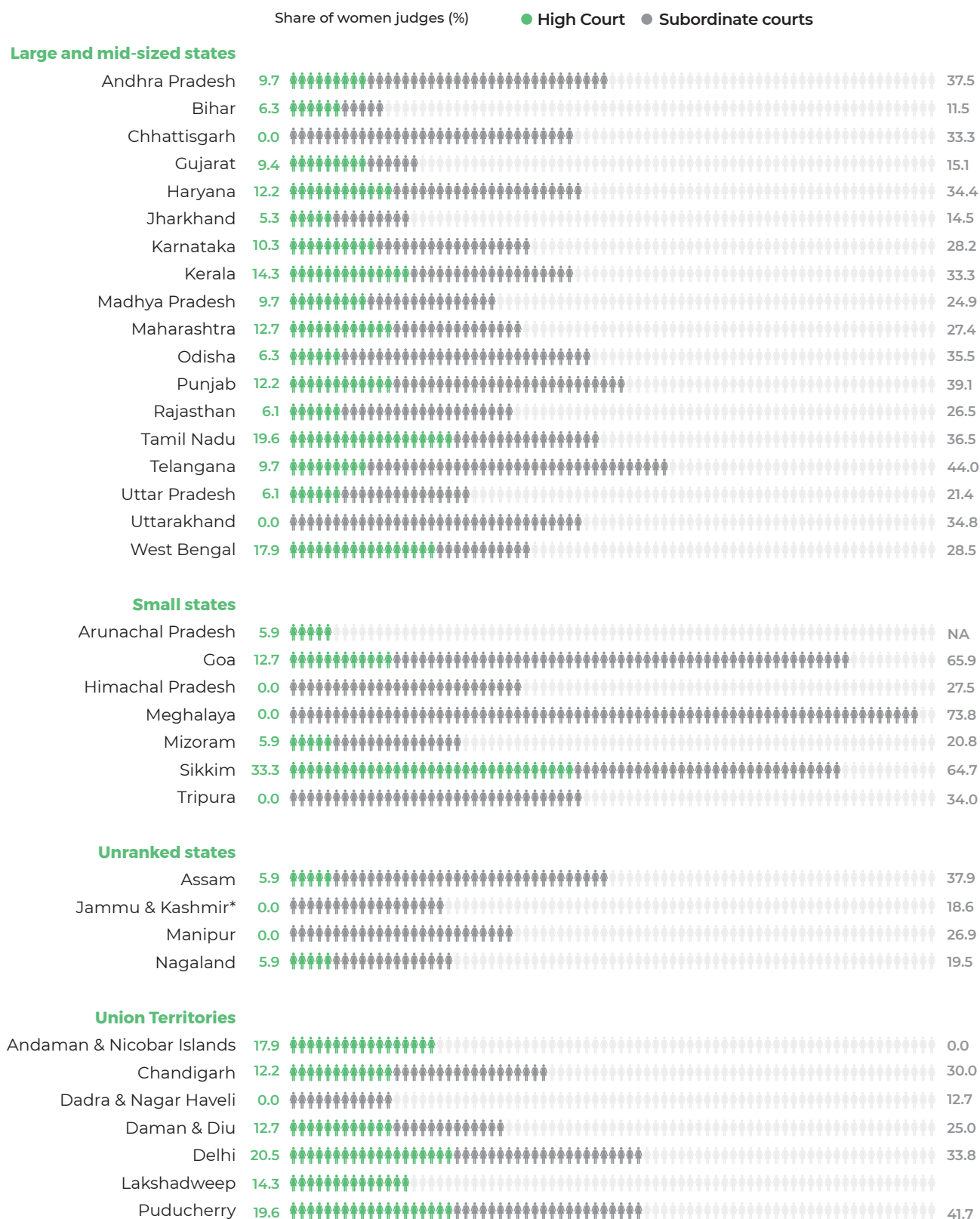
¹⁴ Bibek Debroy, 'Justice Delivery in India—A Snapshot of Problems and Reforms', Institute of South Asian Studies, Working Paper No. 47, 31 July 2008, p 18.

¹⁵ Harish Narasappa, Kavya Murthy, Surya Prakash B.S., and Yashas C. Gowda. 2016. 'Access to Justice Survey: Introduction, Methodology, and Findings', in Harish Narasappa and Shruti Vidyasagar (eds), State of the Indian Judiciary: A Report, pp. 137-155. Bengaluru: DAKSH and EBC. Available online at http://dakshindia.org/state-of-the-indian-judiciary/28_chapter_15.html#_idTextAnchor320 (accessed on 19 April 2019).

¹⁶ Ministry of Law & Justice, 'World Bank Report on Doing Business 2018', (2018). Available online at http://doj.gov.in/sites/default/files/Brief%20Note%20on%20Doing%20Business%20Report-2018_2.pdf (accessed on 9 May 2019).

Figure 14: The glass ceiling in courts

In every state, there's a drop off in share of women judges from the subordinate courts to the High Court.



Data source: Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy. Notes: 1. States and Union Territories are arranged in alphabetical order within respective cluster. 2. Data for subordinate courts as of July 2017 and High Courts as of June 2018. 3. States and UTs that share a High Court have been assigned identical values. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands. *pre-August 2019.

In general, the number of cases pending in Indian courts is on the rise. One measure of change in the number of pending cases is the clearance rate. If a state disposes at least as many cases as it receives in a year, it is not adding to its pending workload. Only five High Courts managed this; in the states of Uttar Pradesh, West Bengal, Odisha, Himachal Pradesh, and Tripura. At the subordinate court level, only eight states and UTs qualified; namely Gujarat, Daman and Diu, Dadra and Nagar Haveli, Tripura, Odisha, Lakshadweep, Tamil Nadu, and Manipur.

On a five-year basis, the picture is only slightly better: only seven of the eighteen states have managed to lower the number of pending cases in subordinate courts and six of eighteen in High Courts¹⁷.

Some states were more diligent in clearing cases than others. Amongst the large and mid-sized states, at the subordinate court level, Odisha, Tamil Nadu, and Gujarat cleared as many cases in a year as the number that came in, so the arrears didn't grow larger with each year.

But backlogs are stubborn. Sikkim and Mizoram had a low clearance rate, despite having a lower workload than the large and mid-sized states. Himachal Pradesh had a high clearance rate (109 per cent at the High Court level) but still had high average pendency (3 years at the same level). These states along with Uttar Pradesh (90.48 per cent), Uttarakhand (87 per cent), and Bihar (87 per cent) with their low clearance rates at the subordinate courts, are bound to remain beleaguered with backlog for many years to come. Despite a high clearance rate (106 per cent), 38 per cent of subordinate court cases in Odisha lingered for more than 5 years and some even beyond 10.

While most states do not have a large proportion of cases pending for 5–10 years or longer, when a large proportion of such cases persist, they indicate multiple uncured systemic faults. Alarming, Bihar, Uttar Pradesh, West Bengal, Odisha, Gujarat along

with Meghalaya and Andaman and Nicobar Islands had at least one in every four, or 25 per cent of all cases, pending for more than 5 years.

While several factors, such as inadequate support staff, lawyers' delays, absence of witnesses, and case preparation, all play their part in the accumulation of cases and judicial delay, undeniably, excessive and persistent judicial vacancies have a significant and negative impact. Illustratively, Bihar, Gujarat, Jharkhand, and Uttar Pradesh had the highest average pendency in subordinate courts. Here subordinate court vacancies in 2016–2017 stood at over 30 per cent.

Diversity

Indicator

- Women judges (High Court) (% , 2017)
- Women judges (subordinate courts) (% , 2017)

Diversity in public institutions affirms the democratic idea of inclusiveness. In the judiciary, it reinforces the notion of equity and equality. There are quotas and reservations for subordinate court judges and non-judicial staff across states that ensure the representation of India's diversity. The unevenness of collection practices and data gaps, however, does not permit a fair comparison and assessment of diversity within the judiciary—except on gender. Data on caste and religious representation in the higher and lower judiciary is not available.

The presence of women judges portrays the institution that upholds law and dispenses justice as an equal opportunity space driven by fair, meritocratic, and non-discriminatory practices and norms¹⁸. Arguably, women on the bench also influence the quality of judicial decision-making, because the inclusion of their life experiences

¹⁷ Lower courts—West Bengal, Haryana, Odisha, Maharashtra, Punjab, Tamil Nadu and Gujarat. High courts—Uttar Pradesh, Rajasthan, Maharashtra, Tamil Nadu, West Bengal and Odisha.

¹⁸ Rosemary Hunter, 'More than Just a Different Face? Judicial Diversity and Decision-making', *Current Legal Problems*, Vol. 68, (2015), pp. 119–141.

must necessarily allow a wider variety of human experiences into the process of judging.¹⁹

Unfortunately, despite wide acceptance of the value of gender diversity, the actual presence of women in state judiciaries is underwhelming.²⁰ No state has adopted affirmative action for women judges in their High Courts. Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Karnataka, Odisha, Rajasthan, Tamil Nadu, Telangana and Uttarakhand do provide for reservations in the subordinate judiciary. These range from 30 per cent to 35 per cent,²¹ and in 9 out of 18 large and mid-sized states,²² the share of women judges in subordinate courts exceeded 30 per cent. Telangana (44 per cent) and Punjab (39 per cent) had the highest share of women judges, and Bihar (11.5 per cent) and Jharkhand (14.5 per cent) the least.

Of the states that have affirmative action policies, Bihar, Rajasthan and Karnataka had not met the mandated number. Women make up 11.5 per cent of judges in subordinate courts in Bihar, 26.5 per cent in Rajasthan and 28.2 per cent in Karnataka. Irrespective of size, the glass ceiling is well and truly in place in all states. Nationally, the share of women judges falls from 28 per cent in subordinate courts to about 11 per cent in High Courts. As of June 2018, seven states did not have a single woman judge in the High Court.

Among the large and mid-sized states, at just above 44 per cent, Telangana had the largest share of women in the subordinate courts, but at the High Court level this drops to a meagre 10 per cent. Similarly, Punjab with 39 per cent at the subordinate level drops down to 12 per cent in the High Court. This pattern is apparent everywhere, with only Tamil Nadu breaking the trend with a high number of women at the High Court level (19.6 per cent), and more women than its quota of 35 per cent in the subordinate courts.

Among the small states, Meghalaya (74 per cent) and Goa (66 per cent) had the largest share of women judges at the subordinate courts level. However, Goa's share at the High Court level was just 12.68 per cent. Sikkim, an outlier, demonstrates a high share of women at both levels, with 64.71 per cent in the High Court and 33.33 per cent at the subordinate court level. In terms of absolute numbers, however, this would be 1 female judge of 3, at the High Court-level, and 11 female judges out of 17 at the level of subordinate courts.

Infrastructure

Indicator

- Courthall shortfall (% , 2016, March 2018)

Ideally, for every judge there must be a courtroom. This presents a parallel challenge: were all vacancies to be filled, would every judge have the requisite physical infrastructure to dispense justice?²³

Looked at nationally, as of March 2018, the number of existing court halls is sufficient for the current working strength of judges. In fact, there is a 11.3 per cent surplus. But when compared with the sanctioned strength, that 11.3 per cent surplus turns into an 18 per cent deficit. If the sanctioned strength of judges in each state were met only four states²⁴ and 2 UTs²⁵ would have sufficient courtrooms. Ten of the remaining states and UTs would have a deficit of above 20 per cent, with Mizoram having the highest deficit of 46 per cent.

If the full complement of sanctioned judge strength were appointed there would be a shortfall of 4,071 court halls. The centre had set a target of

19 Deepika Kinhal, 'Current crisis in SC is an opportunity to address serious gender disparity on the bench', *Indian Express*, 8 May 2019.

20 Ghosh A. et al. (2018), 'Tilting the scale: Gender imbalance in the Lower Judiciary', Vidhi Centre for Legal Policy. Available online at <https://vidhilegalpolicy.in/reports/report-on-gender-imbalance-in-the-lower-judiciary> (last accessed on 16 April 2019); and, Sanyal D., 'Breaking the glass ceiling in judiciary', *Financial Express*, 27 February 2018.

21 Ghosh A. et al. (2018), 'Tilting the scale', p 7.

22 Kerala (33.26%), Chhattisgarh, Haryana, Uttarakhand, Odisha, Tamil Nadu, Andhra Pradesh, Punjab and Telangana (44%).

23 In Re: Filling up vacancies, suo motu W.P. (C) 2/2018.

24 Goa, Nagaland (not ranked), Arunachal Pradesh and Kerala.

25 Chandigarh and Lakshadweep.

completing the construction of 2,730 court halls within the financial year 2018–19.²⁶ Going into the next decade, India will still be short by half of what it needs in the way of court rooms. The slow pace of building new courtrooms will influence the pace of judge recruitment, and if any state revises the sanctioned number of judges upwards and actually fills the posts any time in the near future, the shortage of court halls will become ever more acute.

Meanwhile, the challenge of renovating and modernizing older structures to new standards continues. A recent study showed that several district courts within the National Capital Region have dilapidated buildings, poor facilities, and lack any forethought in design to accommodate disabled litigants.²⁷ It is imperative, at the minimum, the baseline set by the Supreme Court's NCMS committee be met by all courts to which it applies. Furthermore, regular infrastructural audits should be sanctioned by the state High Courts for courts within their jurisdiction, to facilitate a better-informed outlook towards infrastructural reforms for the judiciary.²⁸

The close interplay between different segments of the justice system means that deficits in one

will inevitably have adverse effects on another. Conversely, even small improvements will have positive effects. Our present study points to gap areas that could, with relatively little effort, assist in improving the capacity of the judiciary: increasing expertise in evolving budgets, measuring utilization, and taking year-on-year corrective action is one. This will itself impact on the ability to free up some finances to fill vacancies. A cooperative approach between executive and judiciary to quickly fill vacancies and use the exercise to ensure diversity could kill two birds with one stone. All of this may go some way towards reducing the pile up and the time taken to clear cases through the courts. Lastly, there is an overall need to push the envelope for more evidence-based judicial reforms. Improvements in access to justice must be grounded in and benefit from reliance on granular-data driven interventions whose value is seen in other avenues of social justice, and rights such as health and education.

Leah Verghese, DAKSH

Shruthi Naik, DAKSH

Ameen Jauhar, Vidhi Centre for Legal Policy

Diksha Sanyal, Vidhi Centre for Legal Policy



²⁶ Pradeep Thakur, 'Shortage of 4,000 courtrooms even if all judge posts filled up', *Times of India*, 5 November 2018.

²⁷ Pillai A. and Chandrashekar R. (2018), 'Status of physical infrastructure in lower judiciary', Vidhi Centre for Legal Policy. Available online at <https://vidhilegalpolicy.in/reports/2018/4/19/status-of-physical-infrastructure-in-lower-judiciary> (last accessed on 13 May 2019).

²⁸ Sanyal D., Sekhar S. and Chandrashekar S (2019), 'Building better courts: Surveying the infrastructure of India's district courts. Available online at https://vidhilegalpolicy.in/wp-content/uploads/2019/08/National-report_BBC.pdf (last accessed on 31 August 2019).

Table 8: Indicator-wise data, state scores and ranks

Theme Indicator	Budgets		Human resources			
	Per capita spend on judiciary (Rs, 2015-16)	Population per High Court judge (2016-17) ^{2,3}	Population per sub. court judge (2016-17) ²	High Court judge vacancy (%; 2016-17) ³	Sub. court judge vacancy (%; 2016-17) ⁴	High Court staff vacancy (%; 2016-17) ³
Scoring guide	Higher, the better	Lower, the better	Lower, the better	Lower, the better	Lower, the better	Lower, the better
Large and mid-sized states						
Andhra Pradesh	135	3,452,277	100,393	59.8	13.6	11.7
Bihar	62	3,558,956	101,933	44.8	44.0	32.3
Chhattisgarh	74	2,492,214	73,777	53.4	12.3	34.9
Gujarat	109	1,903,612	53,629	38.9	34.8	26.0
Haryana	201	1,183,612	50,301	46.2	21.7	25.2
Jharkhand	91	2,399,137	73,185	45.0	32.9	13.0
Karnataka	113	2,143,695	66,300	54.0	29.0	14.9
Kerala ¹	185	963,181	80,886	26.1	14.0	5.5
Madhya Pradesh	85	2,060,335	57,789	33.5	21.5	13.7
Maharashtra	124	1,838,070	52,098	33.8	4.5	18.1
Odisha	80	2,209,169	69,523	29.6	27.0	28.6
Punjab	184	1,183,612	50,835	46.2	19.0	25.2
Rajasthan	96	2,109,183	65,006	35.0	12.3	23.7
Tamil Nadu	110	1,561,595	76,488	34.0	9.6	28.6
Telangana	103	3,452,277	100,393	59.8	13.6	11.7
Uttar Pradesh	75	2,459,229	113,080	49.2	30.9	26.7
Uttarakhand	130	1,833,871	46,056	40.5	23.6	30.2
West Bengal	52	2,380,693	101,643	46.5	11.0	31.1
Small states						
Arunachal Pradesh	78	2,338,689	81,396	36.5	28.4	14.8
Goa	348	1,838,070	30,386	33.8	15.8	18.1
Himachal Pradesh	204	686,460	47,342	23.1	6.5	6.2
Meghalaya	94	988,963	78,076	25.0	42.0	19.5
Mizoram	224	2,338,689	36,271	36.5	52.0	14.8
Sikkim	464	244,231	45,228	16.7	34.1	13.8
Tripura	163	864,451	47,869	26.1	27.6	15.0
Unranked states						
Assam	61	2,338,689	100,098	36.5	26.5	14.8
Jammu & Kashmir*	127	1,320,137	57,397	44.1	11.2	15.3
Manipur	130	878,706	83,994	35.0	17.1	13.4
Nagaland	144	2,338,689	80,755	36.5	22.8	14.8
Union Territories						
Andaman & Nicobar Islands	NA ¹	2,380,693	101,643	46.5	11.0	31.1
Chandigarh	NA ¹	1,183,612	35,182	46.2	0.0	25.2
Dadra & Nagar Haveli	NA ¹	1,838,070	106,719	33.8	21.4	18.1
Daman & Diu	NA ¹	1,838,070	106,719	33.8	21.4	18.1
Delhi	453	472,900	34,366	40.8	38.2	29.7
Lakshadweep	NA ¹	963,181	23,445	26.1	8.3	5.5
Puducherry	125	1,561,595	94,185	34.0	49.0	28.6

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Court News, Supreme Court of India; National Judicial Data Grid; eCourts Services; Websites of High Courts; Approaches to Justice in India: A Report by DAKSH; Combined Finance and Revenue Accounts of the Union and State Governments in India; Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy; Open Budgets India; Department of Justice.

Notes: 1. Data for 'Aug 2018' is as of August 23, 2018; for 'Sep 2017' is as of September 19, 2017; for 'Aug 2017' is as of August 29, 2017. 2. Sub. court: subordinate court. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year.

¹ Judiciary expenditure data not available.

² Population of states and UTs that share a High Court has been combined, and hence they will show an identical value. Population of states and UTs for which Court News shows combined data for subordinate courts has been combined, and hence they will show an identical value.

³ States and UTs that share a High Court have been assigned identical values for High Court indicators. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands.

⁴ Court News gives combined figures for subordinate courts for West Bengal and Andaman & Nicobar Islands; Andhra Pradesh and Telangana; Dadra & Nagar Haveli and Daman & Diu. Hence, each pair has identical values for these indicators.

Table 8: Indicator-wise data, state scores and ranks

Theme States	Diversity		Infrastructure	Workload		
	Women judges (High Court) (% Jun 2018) ³	Women judges (sub. court) (% Jul 2017)	Courthall shortfall (% 2016-17, Mar 2018)	Cases pending (5-10 years) (sub. court) (% Aug 2018)	Cases pending (10+ years) (sub. court) (% Aug 2018)	Average High Court pendency (years, Sep 2017) ³
Scoring guide	Higher, the better	Higher, the better	Lower, the better	Lower, the better	Lower, the better	Lower, the better
Large and mid-sized states						
Andhra Pradesh	9.7	37.5	NA ⁵	7.46	1.70	2.8
Bihar	6.3	11.5	26.6	23.69	15.80	2.9
Chhattisgarh	0.0	33.3	5.6	9.52	0.80	2.3
Gujarat	9.4	15.1	16.5	15.08	12.13	3.3
Haryana	12.2	34.4	19.4	0.99	0.11	2.8
Jharkhand	5.3	14.5	10.1	17.78	3.50	2.8
Karnataka	10.3	28.2	23.6	11.61	2.29	4.1
Kerala ¹⁰	14.3	33.3	0.0	6.25	0.73	2.6
Madhya Pradesh ¹⁰	9.7	24.9	12.9	7.04	1.08	2.6
Maharashtra	12.7	27.4	3.0	15.51	7.55	2.9
Odisha	6.3	35.5	35.1	21.43	16.57	3.4
Punjab	12.2	39.1	17.2	2.47	0.23	2.8
Rajasthan	6.1	26.5	17.3	17.25	4.80	4.3
Tamil Nadu	19.6	36.5	0.8	12.87	3.91	2.5
Telangana	9.7	44.0	NA ⁵	7.46	1.70	2.8
Uttar Pradesh	6.1	21.4	14.3	24.04	13.78	4.3
Uttarakhand	0.0	34.8	22.2	9.01	1.95	1.7
West Bengal	17.9	28.5	NA ⁵	19.47	12.61	3.7
Small states						
Arunachal Pradesh	5.9	NA	0.0	NA ⁶	NA ⁶	2.0
Goa	12.7	65.9	0.0	9.70	4.39	2.9
Himachal Pradesh	0.0	27.5	2.6	10.60	0.39	3.0
Meghalaya	0.0	73.8	42.0	15.25	10.78	1.3
Mizoram	5.9	20.8	46.0	9.14	0.93	2.0
Sikkim	33.3	64.7	26.8	0.28	0.14	1.7
Tripura	0.0	34.0	35.8	11.38	10.51	2.1
Unranked states						
Assam	5.9	37.9	18.9	9.46	1.39	2.0
Jammu & Kashmir*	0.0	18.6	17.9	16.57	3.09	1.1
Manipur	0.0	26.9	9.8	6.78	4.14	2.2
Nagaland	5.9	19.5	0.0	NA ⁶	NA ⁶	2.0
Union Territories						
Andaman & Nicobar Islands	17.9	0.0	NA ⁵	19.10	8.18	3.7
Chandigarh	12.2	30.0	0.0	1.80	0.15	2.8
Dadra & Nagar Haveli	12.7	0.0	NA ⁵	14.20	6.74	2.9
Daman & Diu	12.7	25.0	NA ⁵	14.20	6.74	2.9
Delhi	20.5	33.8	39.0	6.24	0.79	3.4
Lakshadweep	14.3	NA	0.0	7.87	7.87	2.6
Puduchery	19.6	41.7	23.1	13.31	3.31	2.5

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Court News, Supreme Court of India; National Judicial Data Grid; eCourts Services; Websites of High Courts; Approaches to Justice in India: A Report by DAKSH; Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy; Open Budgets India; Department of Justice.

Notes: 1. Data for 'Aug 2018' is as of August 23, 2018; for 'Sep 2017' is as of September 19, 2017; for 'Aug 2017' is as of August 29, 2017. 2. Sub. court: subordinate court. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year.

³ States and UTs that share a High Court have been assigned identical values for High Court indicators. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands.

⁵ States and UTs for which Court News gives combined data for subordinate courts were excluded from this indicator.

⁶ Data not available on National Judicial Data Grid.

Table 8: Indicator-wise data, state scores and ranks

Theme	Indicator	Workload			Trends			
		Average sub. court pendency (years, Aug 2017)	Case clearance rate (High Court) (%; 2016-17) ^{3,7}	Case clearance rate (sub. court) (%; 2016-17) ⁴	Cases pending (per High Court judge) (%; FY '13-'17) ^{3,7}	Cases pending (per sub. court judge) (%; FY '13-'17) ⁴	Total cases pending (High Court) (%; FY '13-'17) ^{3,7}	Total cases pending (sub. court) (%; FY '13-'17) ⁴
Scoring guide		Lower, the better	Higher, the better	Higher, the better	Lower, the better	Lower, the better	Lower, the better	Lower, the better
Large and mid-sized states								
	Andhra Pradesh ⁹	4.3	73	94	NA	NA	NA	NA
	Bihar	6.3	90	87	7.3	4.8	2.6	5.8
	Chhattisgarh	5.8	84	100	5.4	-6.0	1.3	1.2
	Gujarat	9.5	98	129	-3.3	-7.2	1.4	-2.7
	Haryana	5.4	81	92	4.3	-6.8	4.5	-0.6
	Jharkhand	6.9	85	91	4.2	1.2	6.8	2.6
	Karnataka	4.0	70	93	15.3	0.5	7.8	3.6
	Kerala	4.9	88	92	2.5	6.1	5.5	7.5
	Madhya Pradesh	5.9	91	95	5.3	0.5	4.5	2.0
	Maharashtra	6.4	87	92	-5.7	-4.3	-4.9	-0.9
	Odisha	8.0	102	106	-8.5	-3.1	-9.5	-0.7
	Punjab	3.9	81	99	4.3	-7.9	4.5	-1.4
	Rajasthan	3.7	96	96	-6.2	-5.3	-1.9	1.4
	Tamil Nadu	4.8	95	102	-5.6	-6.1	-6.9	-1.7
	Telangana ⁹	4.3	73	94	NA	NA	NA	NA
	Uttar Pradesh	6.8	100	90	-4.6	2.0	-1.6	0.9
	Uttarakhand	3.9	75	87	17.1	-2.9	10.3	5.5
	West Bengal	6.1	101	91	-6.8	-2.8	-8.4	0.0
Small states								
	Arunachal Pradesh	NA	82	57	-4.4	-4.5	-8.8	17.2
	Goa	5.1	87	94	-5.7	4.7	-4.9	7.5
	Himachal Pradesh	5.5	110	94	-1.7	1.1	-7.2	5.4
	Meghalaya	2.7	88	92	-9.5	8.4	-10.1	40.4
	Mizoram	4.0	82	98	-4.4	3.6	-8.8	2.3
	Sikkim	5.9	75	97	15.4	-3.5	22.2	3.5
	Tripura	6.3	106	106	-19.2	21.4	-17.9	24.8
Unranked states								
	Assam	3.9	82	94	-4.4	-4.0	-8.8	0.2
	Jammu & Kashmir*	6.9	85	89	-6.8	-9.1	-4.6	-6.5
	Manipur	5.8	99	102	-14.0	-10.2	-5.0	-3.3
	Nagaland	5.1	82	96	-4.4	-0.2	-8.8	0.5
Union Territories								
	Andaman & Nicobar Islands	6.2	101	91	-6.8	-2.8	-8.4	0.0
	Chandigarh	NA	81	98	4.3	-14.1	4.5	-8.0
	Dadra & Nagar Haveli	8.4	87	110	-5.7	2.2	-4.9	1.0
	Daman & Diu	8.4	87	110	-5.7	2.2	-4.9	1.0
	Delhi	3.9	91	87	2.4	-3.8	1.4	-2.9
	Lakshadweep	NA	88	104	2.5	25.0	5.5	12.3
	Puducherry	7.2	95	94	-5.6	2.3	-6.9	1.6

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Court News, Supreme Court of India; National Judicial Data Grid; eCourts Services; Websites of High Courts; Approaches to Justice in India: A Report by DAKSH; Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy; Open Budgets India; Department of Justice.

Notes: 1. Data for 'Aug 2018' is as of August 23, 2018; for 'Sep 2017' is as of September 19, 2017; for 'Aug 2017' is as of August 29, 2017. 2. Sub. court: subordinate court. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year.

³ States and UTs that share a High Court have been assigned identical values for High Court indicators. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands.

⁴ Court news gives combined figures for subordinate courts for West Bengal and Andaman & Nicobar Islands; Andhra Pradesh and Telangana; Dadra & Nagar Haveli and Daman & Diu. Hence, each pair has identical values for these indicators. ⁷ HC judge and cases data was not available for 2011-12 for Manipur, Meghalaya and Tripura. Hence, a 4-year trend has been computed for these states for this indicator. ⁹ Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately.

Table 8: Indicator-wise data, state scores and ranks

Theme	Indicator	Trends				Difference in spend: judiciary vs state (pp, FY '12-'16)	Score (out of 10)	Rank in cluster
		Judge vacancy (High Court) (pp, FY '13-'17) ^{3,7}	Judge vacancy (sub. court) (pp, FY '13-'17) ⁴	Case clearance rate (High Court) (pp, FY '13-'17) ³	Case clearance rate (sub. court) (pp, FY '13-'17) ⁴			
Scoring guide	Lower, the better	Lower, the better	Higher, the better	Higher, the better	Higher, the better			
Large and mid-sized states								
Andhra Pradesh ⁹	NA	NA	NA	NA	NA	4.49	13	
Bihar	5.82	1.25	-4.84	1.59	-9.81	2.41	18	
Chhattisgarh	4.29	0.50	-4.73	-0.11	-5.47	4.64	12	
Gujarat	-0.19	-2.72	-3.06	6.11	-1.45	5.32	7	
Haryana	2.32	-0.64	-1.95	-0.57	-0.34	6.23	3	
Jharkhand	1.00	3.25	-1.59	-1.41	-9.06	4.30	14	
Karnataka	6.71	2.30	-3.03	-1.87	-6.45	3.76	16	
Kerala	1.00	0.93	-2.76	-0.13	-2.16	5.61	5 ¹⁰	
Madhya Pradesh	3.44	2.02	-0.20	-0.84	-4.56	5.61	6 ¹⁰	
Maharashtra	2.82	-1.03	-1.40	-7.71	-1.03	5.96	4	
Odisha	1.15	2.46	4.75	4.19	-7.97	4.78	9	
Punjab	2.32	-0.25	-1.95	-0.58	6.77	6.57	2	
Rajasthan	-0.13	-1.33	-3.55	-2.31	-12.59	5.04	8	
Tamil Nadu	3.47	-0.42	1.29	0.17	-3.29	6.99	1	
Telangana ⁹	NA	NA	NA	NA	NA	4.68	11	
Uttar Pradesh	-1.66	3.75	2.91	-0.65	-7.38	3.70	17	
Uttarakhand	3.66	-4.57	-2.27	-1.97	-5.86	4.17	15	
West Bengal	3.53	-1.00	3.50	-3.32	-9.66	4.70	10	
Small states								
Arunachal Pradesh	3.54	5.68	-4.16	-9.45	36.00	2.81	7	
Goa	2.82	0.30	-1.40	-0.55	-1.18	5.19	2	
Himachal Pradesh	4.16	-0.94	3.61	0.05	-3.08	4.95	3	
Meghalaya	6.25	-6.88	4.86	2.06	21.33	3.74	4	
Mizoram	3.54	0.24	-4.16	-1.13	-2.08	3.66	5	
Sikkim	-5.00	0.68	-2.87	-0.43	8.16	5.36	1	
Tripura	6.52	-0.24	-3.92	0.68	-2.07	3.59	6	
Unranked states								
Assam	3.54	-0.29	-4.16	-0.21	-2.74	Not ranked		
Jammu & Kashmir*	0.61	0.59	4.41	-0.98	-1.82	Not ranked		
Manipur	-3.75	-1.62	-9.26	1.56	19.80	Not ranked		
Nagaland	3.54	0.71	-4.16	-7.91	1.38	Not ranked		
Union Territories								
Andaman & Nicobar Islands	3.53	-1.00	3.50	-3.32	NA ⁸	Not ranked		
Chandigarh	2.32	0.00	-1.95	-2.72	NA ⁸	Not ranked		
Dadra & Nagar Haveli	2.82	0.00	-1.40	-3.05	NA ⁸	Not ranked		
Daman & Diu	2.82	0.00	-1.40	-3.05	NA ⁸	Not ranked		
Delhi	3.48	2.64	-3.53	-7.35	-0.02	Not ranked		
Lakshadweep	1.00	-5.00	-2.76	7.81	NA ⁸	Not ranked		
Puducherry	3.47	2.81	1.29	-0.23	3.10	Not ranked		

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Court News, Supreme Court of India; National Judicial Data Grid; eCourts Services; Websites of High Courts; Approaches to Justice in India: A Report by DAKSH; Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy; Open Budgets India; Department of Justice.

Notes: 1. Data for 'Aug 2018' is as of August 23, 2018; for 'Sep 2017' is as of September 19, 2017; for 'Aug 2017' is as of August 29, 2017. 2. Sub. court: subordinate court. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year.

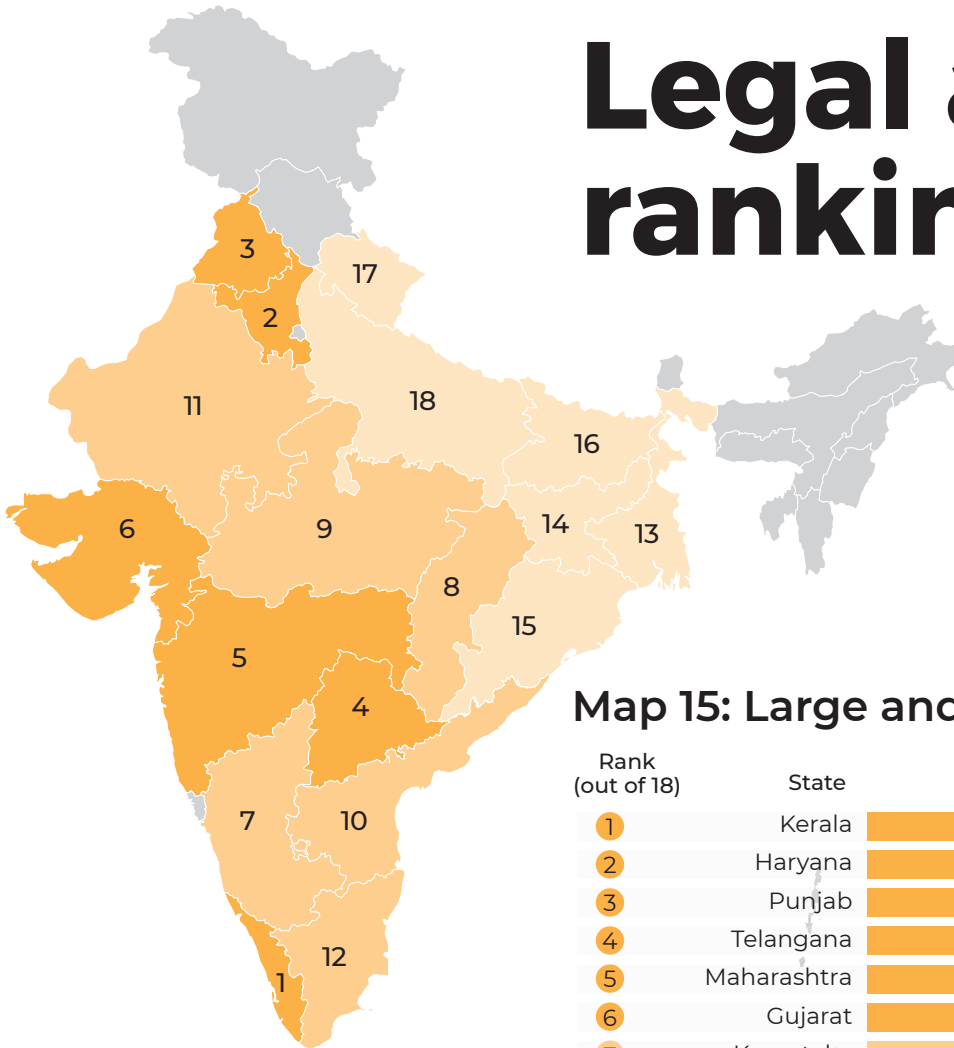
³ States and UTs that share a High Court have been assigned identical values for High Court indicators. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands.

⁴ Court news gives combined figures for subordinate courts for West Bengal and Andaman & Nicobar Islands; Andhra Pradesh and Telangana; Dadra & Nagar Haveli and Daman & Diu. Hence, each pair has identical values for these indicators. ⁷ HC judge and cases data was not available for 2011-12 for Manipur, Meghalaya and Tripura. Hence, a 4-year trend has been computed for these states for this indicator. ⁸ Judiciary expenditure data was not available. ⁹ Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately. ¹⁰ For reasons of readability, the score is shown up to 2 decimals. While they both show the same score, Kerala is ranked above Madhya Pradesh on the third decimal (5.611 versus 5.606).



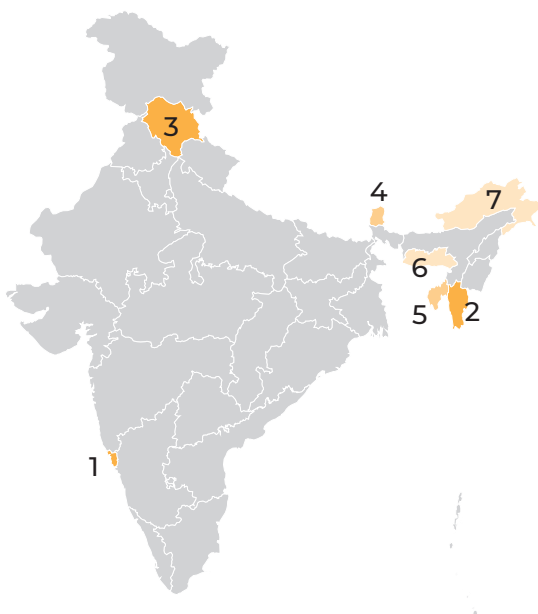
Legal Aid

Legal aid ranking



Map 15: Large and mid-sized states

Rank (out of 18)	State	Score (out of 10)
1	Kerala	6.58
2	Haryana	6.09
3	Punjab	5.84
4	Telangana	5.58
5	Maharashtra	5.43
6	Gujarat	5.30
7	Karnataka	5.22
8	Chhattisgarh	5.13
9	Madhya Pradesh	4.98
10	Andhra Pradesh	4.93
11	Rajasthan	4.67
12	Tamil Nadu	4.65
13	West Bengal	4.64
14	Jharkhand	4.63
15	Odisha	4.61
16	Bihar	4.52
17	Uttarakhand	4.46
18	Uttar Pradesh	2.50



Map 16: Small states

Rank (out of 7)	State	Score (out of 10)
1	Goa	5.47
2	Mizoram	4.66
3	Himachal Pradesh	4.60
4	Sikkim	3.30
5	Tripura	3.05
6	Meghalaya	3.03
7	Arunachal Pradesh	2.67

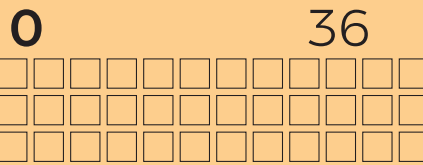
Note: 1. Map of Jammu & Kashmir is pre-August 2019.

The capacity deficits



Central budgets

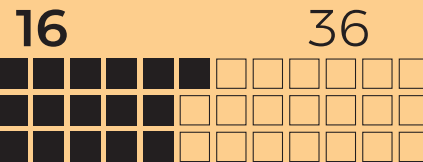
□ Data available ■ Meeting



Number of states and Union Territories that used up their entire NALSA budget allocation.



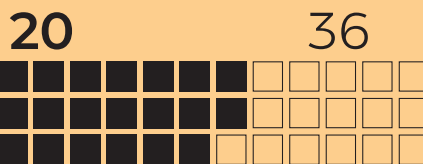
State budgets



Number of states and Union Territories whose contribution to their total legal aid budget was more than 50%.



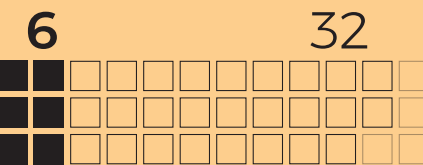
Women



Number of states and Union Territories where the share of women among panel lawyers is above 20%.



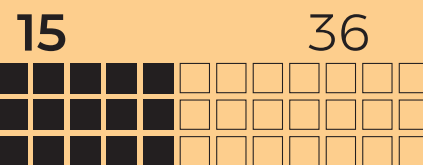
Rural coverage



Number of states and Union Territories where the average number of villages covered by a legal services clinic is less than 6.



Dispute resolution



Number of states and Union Territories where Lok Adalats settled more than 50% of the pre-litigation cases they took up.

The other deficits

1,603

The average number of villages serviced by a legal services clinic in Uttar Pradesh.



1 to 84

The lower and upper range among states in the number of para legal volunteers (PLVs) per lakh population.

Legal aid: Justice for all?

India's legal aid system is possibly one of the largest and most extensive in the world. It is intended to uphold the constitutional promise to provide free legal aid to citizens and ensure that opportunities to secure justice are not denied to anyone.

The expanse of the legal-aid system's mandate is such that almost 80 per cent of India's over 1.25 billion population is eligible for free legal aid¹ including women, children, disabled people, scheduled castes and scheduled tribes, those with mental illnesses, victims of mass disaster or ethnic violence, persons in custody, etc.²

Yet, since 1995, barely 15 million people have been provided legal services and advice by legal services institutions (LSI) established all across the country under the Legal Services Authorities Act, 1987 (the Act).³ These LSIs are functional at the national (1), state (36), district (664) and sub-divisional (2,254) levels. LSIs have also been setup at the Supreme Court (1) and High Courts (36).

LSIs are regulated by the Act and a number of rules, regulations, guidelines and standard

operating procedures.⁴ Every LSI should have a 'front office', where legal services are provided.⁵ Quality is intended to be kept under review through monitoring and mentoring committees mandated to review performance and ensure documentation is accurate and regular.⁶

LSIs appoint individuals to provide legal services. These individuals, collectively known as 'legal aid providers', include panel lawyers, retainer lawyers, jail visiting lawyers, remand lawyers and community and convicts trained as paralegal volunteers.⁷ 'Legal services' are not only restricted to representation in court cases, but also include spreading legal literacy, facilitating actualization of the entitlements of people under welfare laws and schemes, and the provision of advice and counselling. Thus, not all lawyers represent at court, some provide advice and counselling at the front office, in legal services clinics and at legal

NOTE: 4 states (Assam, Jammu and Kashmir [pre-August 2019], Manipur and Nagaland), and the 7 UTs (Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Lakshadweep and Puducherry) have not been ranked. CY: Calendar year; FY: Financial year; pp: percentage points (the difference between two percentages).

1 'Hope Behind Bars? Status Report on Legal Aid for Persons in Custody', Commonwealth Human Rights Initiative, 2018.

2 Section 12, Legal Services Authorities Act, 1987.

3 As per statistics available on the NALSA website www.nalsa.gov.in. Last accessed on 7 June 2019.

4 NALSA (Lok Adalat) Regulations, 2009; NALSA (Free and Competent Legal Services) Regulations, 2010 and NALSA (Legal Services Clinics) Regulations, 2011, NALSA Standard Operating Procedures on Redressal of Complaints/Public Grievances and NALSA Standard Operating Procedures for Representation of Persons in Custody 2016, NALSA Front Office Guidelines 2018, Guidelines for Mentoring and Monitoring Committees 2019.

5 Front Office Guidelines 2018.

6 Regulation 10, NALSA (Free and Competent Legal Services) Regulations 2010.

7 NALSA (Free and Competent Legal Services) Regulations 2010, NALSA's Model Scheme for Legal Aid Counsel in all Magistrate Courts 1998, NALSA SOP on Representation of Persons in Custody 2011 and NALSA Paralegal Volunteer Scheme (2009) which provides guidance on the appointment and functioning of these legal-aid providers.

Box 4: Lack of clear criteria

The National Legal Services Authority (NALSA) list of beneficiaries includes Scheduled Caste (SC) and Scheduled Tribes (ST), women, and disabled people as separate categories, but it is unclear if say, a disabled woman who is SC/ST is counted thrice or only the once: and under which category. Similarly, a child in conflict with the law or one trafficked could be documented as a child, either in custody or under trafficking. Even regarding legal aid providers, the data indicates that a much smaller number is in fact assigned work. Again, present practice does not factor in instances of rotational or multiple appointments. Similarly, different lawyers can be involved in the same case at different stages—remand, charge, trial, appeal—when putting down the number of beneficiaries it is not clear if that is counted as one beneficiary and four cases, or four beneficiaries and four cases.

awareness camps. Others are attached to remand courts or are tasked with visiting jails to provide legal services.

Even with the Act providing for a realistic framework within which the legal aid system must function, its effective implementation remains a concern in most states. The lack of optimal financial management and well-trained human resources, poor training of legal aid lawyers on their duties and responsibilities, inadequate performance monitoring and absence of mechanisms to gauge customer satisfaction hamper the functioning of LSIs to a great extent. A bigger concern has been ensuring the quality of services provided which is directly linked to the training, documenting, reporting and monitoring of legal aid providers. Monitoring and mentoring committees either don't exist and if they do, their functioning is sub-par.⁸ There is also no system at the district, state or national level to assess the demand for legal aid in these divisions. This would be a valuable metric for planning.

State-wise data compares state performance against certain clearly defined parameters and is indicative of specific implementation capabilities, however, like all data based analysis it has its limitations. With just thirteen indicators—the least

among the four pillars of police, prisons, judiciary and legal aid—uniformly available information about legal aid delivery proved the hardest to access.

Human Resources

Indicator

- DLSA secretary vacancy (% , 2019)
- PLVs per lakh population (number, Jan 2019)
- Sanctioned secretaries as % of DLSAs (% , 2019)
- DLSAs as % of state judicial districts (% , 2019)

The biggest challenge in the implementation of legal aid services is the uneven organizational practices in the delivery of legal services across districts and sub-divisions.

As of 2018, there were 664 district legal services authorities (DLSAs) and 2,254 sub-divisional/taluka legal services committees established across districts.⁹ At the district level, these are chaired by

⁸ Commonwealth Human Rights Initiative, *Hope Behind Bars* (2018); Commonwealth Human Rights Initiative *Monitoring the Monitors: A Micro Study on Monitoring Committees in West Bengal* (2017); NALSA's 2018 amendment to the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 called for the creation of Monitoring and Mentoring Committees.

⁹ *Not ranked
There are 727 administrative districts and 668 judicial districts in India. This refers to districts where a district court is functioning.

Table 9: DLSAs and secretaries

Every judicial district is required to have a district legal services authority (DLSA) which fulfills certain norms. Twenty-one states/ UTs fall short of meeting these requirements.

Requirement	DLSAs as % of state judicial districts Each judicial district should have a DLSA	Sanctioned secretaries as % of DLSAs Each DLSA should have a secretary post sanctioned	DLSA secretaries in place (%; 2019) Each secretary post should be filled
Lakshadweep	0	0	0
Puducherry	25	0	0
Sikkim	100	0	0
Andaman & Nicobar Islands	100	0	0
Daman & Diu	100	0	0
Nagaland	100	0	0
Dadra & Nagar Haveli	100	0	0
Mizoram	100	0	0
Arunachal Pradesh	125	0	0
Manipur	129	56	0
Meghalaya	157	100	27
Tripura	63	100	40
Jammu & Kashmir*	100	100	59
Chhattisgarh	92	100	65
Madhya Pradesh	100	102	69
Uttar Pradesh	95	100	72
Telangana	92	100	82
Gujarat	94	103	88
Tamil Nadu	100	100	91
Assam	122	67	100
West Bengal	83	100	100

Data for DLSAs and DLSA secretary vacancy as of September 2018; data for sanctioned secretaries as of 2017-18.

Data source: National Legal Services Authority

DLSA secretary vacancy (%; Sep 2018); Sanctioned secretaries as % of DLSAs (%; 2017-18); DLSAs as % of state judicial districts (%; Sep 2018)

*pre-August 2019.

the district and sessions judge. A judicial officer is assigned as member-secretary.

Tripura, West Bengal, Telangana, Chhattisgarh, Gujarat and Uttar Pradesh are states that are yet to establish DLSAs in all their judicial districts.

Since 2012¹⁰ there has been an emphasis on appointments for full-time secretaries to DLSAs.

Against 664 DLSAs, the number of sanctioned posts of full-time secretaries to DLSAs stood at 603—a deficit of 61. The number of full-time secretaries in place was 525—a deficit of 139 to the number of DLSAs.

As of 2019, smaller jurisdictions such as Arunachal Pradesh, Mizoram, Sikkim, Andaman and Nicobar Islands, Dadra and Nagar Haveli, Nagaland, Daman

¹⁰ Guidelines issued by the National Legal Services Authority for the State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees and High Court Legal Services Committees. (In the light of the discussions of the working groups held at the National Judicial Academy on 17-19 December, 2011).

and Diu, Puducherry, Lakshadweep are yet to sanction full-time posts. A possible reason for this may be a shortage of judicial officers. Some others, including Manipur (5/9) and Assam (22/33), have sanctioned fewer posts than there are districts. Every other state has sanctioned all posts, barring Madhya Pradesh (51/50) and Gujarat (32/31) that have sanctioned more posts than DLSAs.

Sanctioned does not necessarily imply the posts have been filled. While seventeen states and UTs have none, nine states show varying levels of vacancies: 9 per cent (Tamil Nadu), 13 per cent (Gujarat), 18 per cent (Telangana), 28 per cent (Uttar Pradesh), 31 per cent (Madhya Pradesh), 35 per cent (Chhattisgarh), 41 per cent (Jammu and Kashmir), 60 per cent (Tripura), 73 per cent (Meghalaya).¹¹ Naturally, it can be said that 9 of 10 jurisdictions that have not sanctioned any posts for DLSA secretary have 100 per cent vacancy.

The number of legal aid providers varies a great deal across states, and no uniform or standardized policies exist for regulating the number of appointments. As of January 2019, there were 63,759 panel lawyers and 69,290 paralegal volunteers (PLVs) working with LSIs across the country.

In a country as vast as India, PLVs provide an extended workforce, that is able to take legal services to remote locations and to the marginalized. In 2010, the Chief Justice of India set up a National Committee for Para-Legal Training and Legal Aid Activities. Pursuant to its vision, NALSA framed its Para- Legal Volunteers Scheme (2009),¹² placing emphasis on the need for trained intermediaries between the common man and LSIs.

As per NALSA's Para-Legal Volunteers Scheme every DLSA should ideally have 50 active PLVs.¹³ This amounts to at least 33,200 PLVs across 664 DLSAs. However, nine states/UTs have appointed less than the required numbers—Jammu and Kashmir (559/1,100), Uttar Pradesh (3,099/3,550), Nagaland (165/550), Assam (826/1,650), Meghalaya

(425/550), Mizoram (315/400), Dadra and Nagar Haveli (3/50), Daman and Diu (59/100) and Chandigarh (31/50). These nine states and UTs account for about 5,500 PLVs. The remaining twenty-seven states and UTs account for about 63,000 PLVs, though by the prescribed ideal of 50 PLVs per DLSA, they should have 25,200. In other words, these twenty-seven states and UTs, as a set, have more than twice the number of PLVs than they should ideally have; and PLVs seem to be clustered in the rest of the country in numbers much higher than suggested.

As of January 2019, twenty-two states/UTs have less than 10 PLVs per 100,000 population, with Dadra and Nagar Haveli having the least (0.9), followed closely by Uttar Pradesh (1.6). At the other end of the spectrum, Himachal Pradesh and Arunachal Pradesh have 84.3 and 77 PLVs per 100,000 population, respectively.

Paralegals are a vital link between the LSI and the community, as well as an important resource embedded within it. To be effective they need to be trained, monitored and fairly compensated for their services. The present uneven distribution of paralegals suggests the need to survey local populations and look at the demand for legal services to determine optimum numbers and a rational expenditure on this valuable community asset.

However, despite the crucial role that they can potentially play, there are several criticisms of the PLV scheme: beyond the qualification of a minimum education, it is uncertain how they are chosen and on what criteria they continue to be in service. They are not utilized in a planned and structured manner which has a bearing on the sustainability of legal services programmes; rarely used to assess the legal needs of the community to which they belong, their training is occasional, poor and patchy; sometimes more appointments are made than assignments given to PLVs and at other times there are fewer PLVs than the basic minimum requirement.

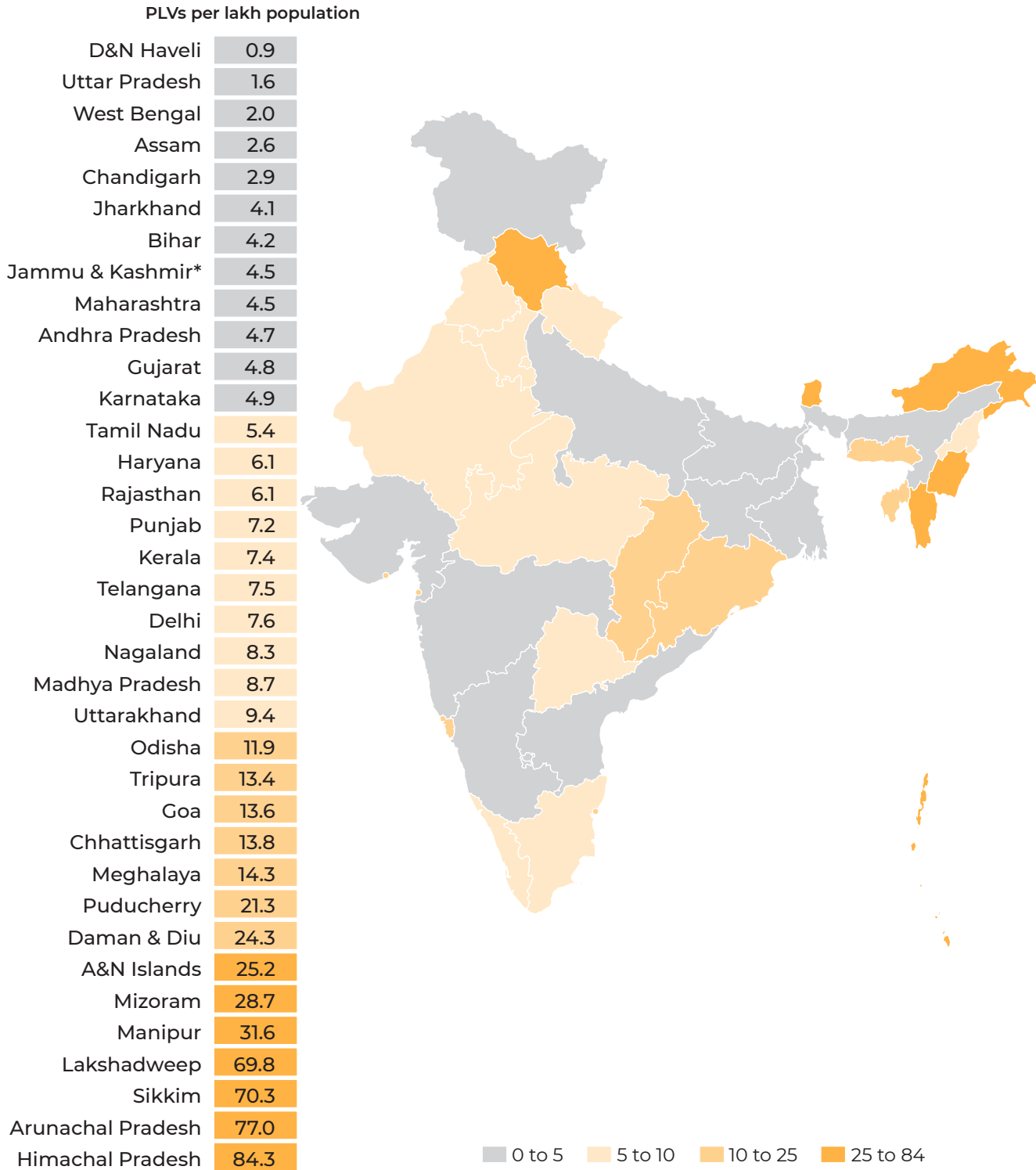
¹¹ No data was available for Manipur.

¹² NALSA's Para Legal Volunteer Scheme available at <http://nalsa.gov.in/schemes.html>.

¹³ Ibid.

Map 17: Paralegal volunteers per lakh population

Para-legal volunteers (PLVs) serve as the bridge between people and the legal aid system. 22 of 36 states and Union Territories average less than 10 PLVs per lakh population.



Data as of January 2019; * map of Jammu & Kashmir pre-August 2019.
Data source: National Legal Services Authority

Diversity

Indicator

- Women panel lawyers (% , Jan 2019)
- Women PLVs (% , Jan 2019)

In the absence of any mandated caste reservations this report assesses diversity on the basis of gender. The presence of a large number of women panel lawyers and PLVs is essential for reaching out to a constituency that is often under-served and faces socio-cultural barriers when they try to come forward for legal assistance.

Thirty-six per cent of PLVs (24,999 of total 69,290 PLVs) appointed are women. Six states/UTs— Daman and Diu (68 per cent), Dadra and Nagar Haveli (67 per cent), Lakshadweep (67 per cent), Goa (66 per cent), Kerala (66 per cent), Sikkim (52 per cent)] had more than 50 per cent women PLVs, followed closely by Delhi (47 per cent). Bihar (22.3 per cent) and Uttar Pradesh (24.2 per cent) have the lowest percentage share of women PLVs.

Amongst panel lawyers, the gender breakdown is much less encouraging, only 18 per cent of them being women. Amongst the eighteen large and mid-sized states, Kerala ranks highest (40 per cent) followed by Karnataka (30 per cent) and Maharashtra at (27 per cent). Rajasthan, Odisha, and Uttar Pradesh all have less than 10 per cent. Amongst the seven small states Meghalaya ranks the highest (54 per cent) and Arunachal Pradesh lowest at (15 per cent.)

Budget & Expenditure

Indicator

- NALSA fund utilised (% , 2017-18)
- State's share in legal aid spend (% , 2017-18)

Budget indicators allow us to assess the commitment of a state towards enabling access to legal aid.

Funds for LSIs are sourced through both NALSA and states budgets. In some instances, costs ordered by courts in judicial proceedings are also deposited in the legal aid fund. At the state level, funds are usually expended for administrative expenses such as salaries of staff, office expenses and other infrastructural requirements. Some state governments also provide money for mediation. NALSA funds go toward legal services activities such as representation, Lok Adalats, counselling, legal advice and legal awareness.

In 2017–2018, six states and UTs including Jharkhand and Assam had no funds allocated from the state, whereas Nagaland, Arunachal Pradesh, Manipur, Tripura saw less than 20 per cent being provided by the state governments. Uttar Pradesh¹⁴ and Andhra Pradesh on the other hand saw more than 80 per cent coming from the state governments.

In the same year, only five states utilized more than 90 per cent of NALSA allocated funds with the highest being Rajasthan (98 per cent) and Chhattisgarh (97 per cent). In these two states, at least 70 per cent of the total funds come from the state's own coffers. Daman and Diu, and Dadra and Nagar Haveli spent the least i.e. a mere 4 per cent of the funds allocated, followed closely by Lakshadweep (7 per cent).

Apart from Meghalaya (7 per cent), Andaman and Nicobar Islands (8 per cent), Goa (23 per cent), Puducherry (30 per cent), Sikkim (31 per cent), Chandigarh (39 per cent), the rest spent more than 50 per cent of the allocated funds. Although, NALSA has been actively taking steps for full and efficient utilization of funds such high percentages of underutilization across the board indicates either a lack of planning, or lack of adequate utilization of human resources to fulfil mandates. Either way, fund utilization remains a matter of concern. This can also have a domino effect. If states fail to utilize

¹⁴ Bulk of the funds received for mediation.

NALSA funds, then NALSA would have to consider reducing its overall budget, leading to reduction in funds received from the central government. That would inevitably inhibit the growth of legal services across the country.

Workload

Indicator

- PLA cases: settled as % of received (% , 2017-18)
- NLAs + SLSA LAs: Share of pre-litigation cases in disposed cases (% , 2017-18)
- SLSA LAs: Pre-litigation cases disposed as % of total cases taken up (% , 2017-18)

LSIs conduct a broad spectrum of ever-increasing activities. For instance, the Act mandates state LSIs to give legal service to those eligible (almost 80 per cent of India’s population)¹⁵, to conduct Lok Adalats and to undertake preventive and strategic legal aid programmes and perform such other functions as assigned by the central authority. The scope is broad and allows states and UTs the flexibility to carry out a wide range of activities.

Every state must by law have a Permanent Lok Adalat¹⁶ which essentially deals with disputes relating to public utilities.

In 2017–2018, a total of 124,459 cases were settled through 24,842 sittings of the PLAs, with the total value of settlement being about ₹247 crore. The highest number of cases were received in Haryana (37,413) and Madhya Pradesh (21,973). In terms of performance, PLAs of 5 State/UTs (Chandigarh, Delhi, Haryana, Himachal Pradesh and Maharashtra) settled more than 75 per cent of the cases received. However, states like Andhra Pradesh (18 per cent), Tripura (18 per cent), Goa (5 per cent) and Uttarakhand (2 per cent), could not

dispose of even 20 per cent of the cases received. This only adds to the pendency and reduces the value of this forum for the public.

NALSA and SLSAs also organise Lok Adalats¹⁷. With increasing pendency in courts, alternative dispute resolution mechanisms, are considered an effective means to resolve cases at the pre-litigation stage. The efficiency with which Lok Adalats dispose of pre-litigation cases assumes importance in the larger canvas of judicial functioning. While the process itself is not free from criticism, it does offer some relief to an overburdened judicial system and litigants. In this context, the percentage of pre-litigation cases disposed of the total cases disposed and taken up is an important measure.

In 2017–2018, countrywide Lok Adalats disposed 7.85 million cases. Of these, 5.92 million cases were disposed by National Lok Adalats (conducted by NALSA), 2.82 million of which (or, 48 per cent) were in the pre-litigation stage. Another 1.93 million cases were disposed by Lok Adalats held by SLSAs, of which 0.98 million (or, 51 per cent) were in the pre-litigation stage.

Taken together, among the 18 large and mid-sized states, the highest number of cases disposed at pre-litigation stages was in West Bengal. It disposed 1.45 million cases that were at the pre-litigation stage, which amounts to 92 per cent of total cases disposed by these two kinds of Lok Adalats in the state. It was followed by Bihar (81 per cent) and Maharashtra (69 per cent). The lowest in the set were Odisha (7 per cent) and Uttarakhand (12 per cent).

As compared to National Lok Adalats, the share of pre-litigation cases in overall disposals is much lower among Lok Adalats held by SLSAs. West Bengal is the notable exception, registering 93 per cent. The other seventeen large and mid-sized states were all below 20 per cent, of which thirteen were below 10 per cent. Even when expanded to all states and UTs, thirty-two were below 20 per cent.

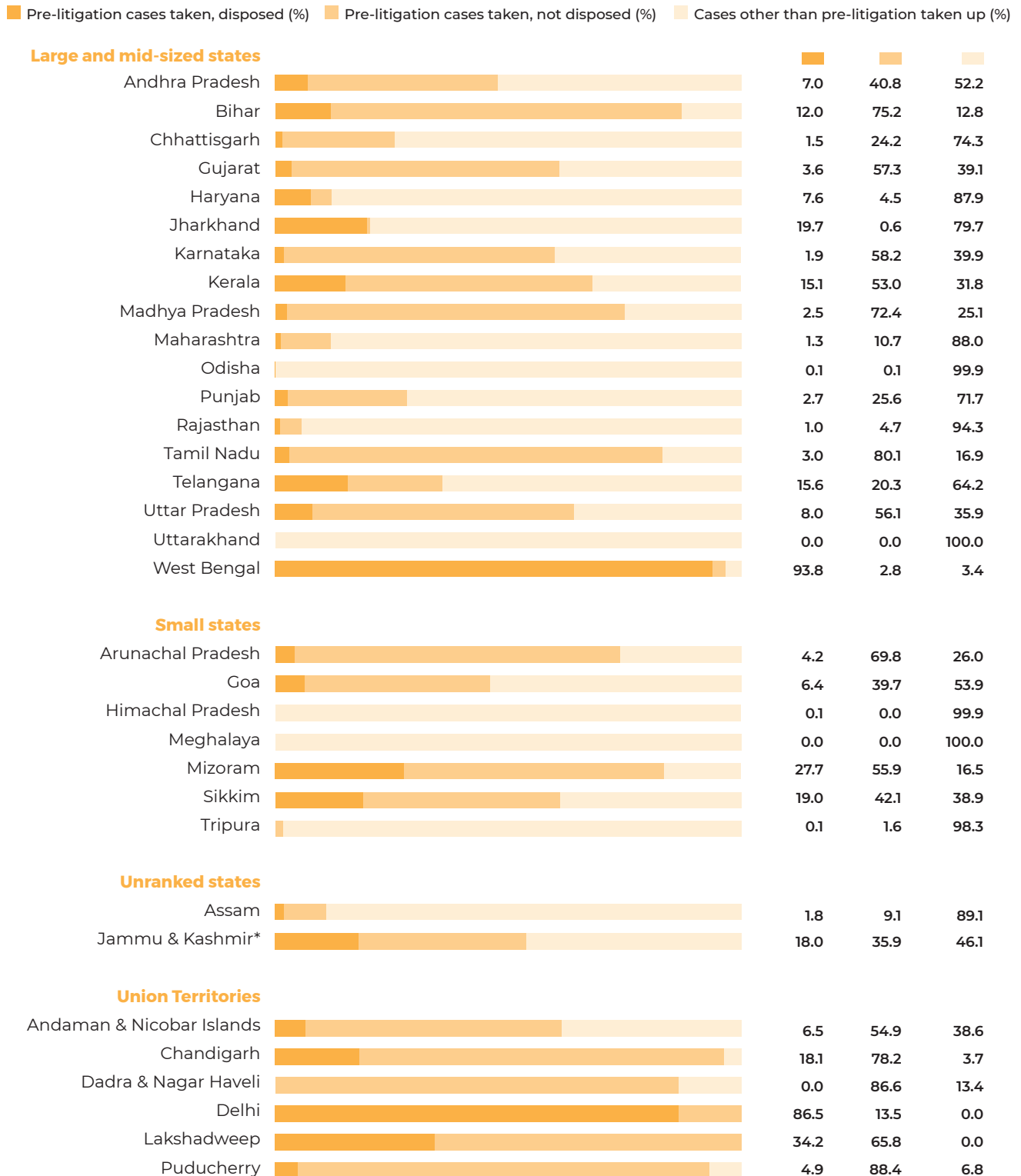
15 'Hope Behind Bars? Status Report on Legal Aid for Persons in Custody', Commonwealth Human Rights Initiative, 2018.

16 Section 22B-22E of the Legal Services Authorities Act, 1987: "every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification".

17 Section 4 and 7 of the National Legal Services Authority (Lok Adalats), 2009.

Figure 15: Lok Adalats: Lowering the burden of courts

Lok Adalats deal with conciliation and pre-litigation cases. In 18 states/ UTs, pre-litigation cases accounted for half the cases taken up in Lok Adalats by State Legal Services Authorities (SLSAs). Most states did not manage to dispose pre-litigation cases at a matching pace.



Data source: National Legal Services Authority

Notes: 1. States and Union Territories are arranged in alphabetical order within respective cluster. 2. Data for 2017-18. 3. SLSAs in Manipur, Nagaland and Daman & Diu did not take up any cases in 2017-18. * pre-August 2019.

Infrastructure

Indicator

- Villages per legal services clinic (number, 2017-18)
- Legal services clinic per jail (number, 2017-18)

Given that nearly 1 billion Indians are eligible for free legal aid, the creation of necessary infrastructure is a fundamental pre-requisite in the fulfilment of this mandate.

An important measure of adequate infrastructure for reaching legal assistance into the public is the legal services clinic. This 'shall work like a single-window facility for helping the disadvantaged people to solve their legal problems whenever needed'.¹⁸ While the number and location of clinics is not set out NALSA (Legal Services Clinics) Regulations 2011 (the 2011 Regulations), requires they be established in areas where people face 'geographical, social and other barriers'.

In 2017, a total of 14,161 clinics existed across around 597,000 villages. On average, at these figures, one legal services clinic serves 42 villages. The 2011 Regulations require clinics to be set up in all villages or cluster of villages, subject to resources of the LSIs.¹⁹ This aspires to providing easily accessible legal assistance, therefore we have scored this using the logic of lower the number of villages serviced by a single clinic, the better.

There are only eleven states and UTs where a legal service clinic covers, on average, less than 10 villages. One state (Arunachal Pradesh) and three UTs (Delhi, Lakshadweep and Andaman and Nicobar Islands) don't have a single legal service clinic. Among large and mid-sized states, the coverage is quite scattered. Kerala had one clinic for every 10 villages. Uttar Pradesh had one for

every 1603 villages; Bihar one legal services clinic for 349 villages; and Odisha one for every 256 villages.

Among the seven small states, Sikkim has 1 clinic for 142 villages and Meghalaya 1 clinic for every 62. Goa and Tripura average 1 for 5 and 1 for 3 villages.

Various regulations²⁰ mandate the setting up of legal services clinics in jails subject to financial availability. There were 1062 jail legal services clinics (2017-18) in 1412 jails (as of December 2016). About 304,000 persons approached these clinics, of whom 71 per cent were provided legal assistance.

Ideally each jail should have a legal services clinic of its own. Where there are inmates from various districts in one jail there may be two clinics—one from each district, or there may be separate clinics for the male and female sections. Amongst the large states, Gujarat has the most jail legal services clinics—48 clinics in 27 jails: Punjab has 32 clinics in 26 jails; Chhattisgarh has 34 in 30 prisons. Kerala, Maharashtra and Uttar Pradesh have less than half the number of clinics required. Jharkhand, Odisha, Tamil Nadu and West Bengal do much better with clinics nearly matching the number of jails. The small states with much fewer jails do much better either exceeding or nearly reaching 1 clinic for 1 jail (with the exception of Sikkim). While this speaks to the number of jail clinics, it does not speak to the quality of services provided.

Across India, mandates and mechanisms to provide legal representation, awareness, aid and advice to local populations are in place to a larger or lesser extent. Nationally, finances are growing and there is a refreshing flexibility in the activities that are permissible. The system is also deliberately kept under the aegis of the judiciary without executive interference on the plea that there is know-how as well as less opportunity for over-bureaucratization. Clearly there is also a large under-served population spread across the country for whom doorstep legal services is a hugely empowering resource whether it is for simple advice given

¹⁸ Section 9 (2), NALSA (Legal Services Clinics) Regulations 2011.

¹⁹ Section 3, NALSA (Legal Services Clinics) Regulations 2011.

²⁰ NALSA (Legal Services Clinics) Regulations 2011.

to a farmer or an appeal made for a convict or a woman suffering violence. The use of the legal aid machinery to spread legal awareness about the Constitution, rights and legal relationships between individual and the State, and individuals inter se is particularly desirable and valuable.

Knowledge of the law provides a common language for conflict resolution and easy access to remedies is known to bring social peace, reduce contention and violence. That said, the figures indicate that there are too many short falls and anomalies in the structure of legal services institutions to effectively deliver to the last mile. While there have been considerable improvements

in terms of policy-level changes, guided primarily by a growing consciousness within NALSA to further its reach and range of activities, outcome-related efforts at the ground-level need to reflect this. Improved monitoring of quality legal assistance, evaluations of the needs of individuals and local communities, and their satisfaction with the services provided, would go a long way in realizing the true potential of the huge complex of legal services offered.

Nupur, Centre for Social Justice
Madhurima Dhanuka, Commonwealth
Human Rights Initiative



Table 10: Indicator-wise data, state scores and ranks

Theme	Budgets		Human resources			Diversity		
	Indicator	NALSA fund utilised (%; 2017-18)	State's share in legal aid spend (%; 2017-18)	DLSA secretary vacancy (%; 2019)	PLVs per lakh population (number, Jan 2019)	Sanctioned secretaries as % of DLSAs (%; 2019)	Share of women in panel lawyers (%; Jan 2017)	Women PLVs (%; Jan 2019)
Scoring guide	Higher, the better	Higher, the better	Lower, the better	Higher, the better	Higher, the better	Higher, the better	Higher, the better	
Large and mid-sized states								
Andhra Pradesh	70	80	0.0	4.7	100	17.2	36.5	
Bihar	50	65	0.0	4.2	100	22.7	22.3	
Chhattisgarh	97	79	34.8	13.8	100	13.0	36.5	
Gujarat	72	80	12.5	4.8	103	19.3	36.8	
Haryana	90	63	0.0	6.1	100	14.1	40.5	
Jharkhand	63	0	0.0	4.1	100	14.4	34.6	
Karnataka	77	45	0.0	4.9	100	29.9	45.4	
Kerala	83	34	0.0	7.4	100	40.4	65.7	
Madhya Pradesh	68	74	31.4	8.7	102	11.3	38.5	
Maharashtra	79	61	0.0	4.5	100	26.8	36.8	
Odisha	81	63	0.0	11.9	100	8.1	35.4	
Punjab	94	57	0.0	7.2	100	14.4	30.5	
Rajasthan	98	71	0.0	6.1	100	8.5	24.9	
Tamil Nadu	80	66	9.4	5.4	100	14.6	39.8	
Telangana	68	74	18.2	7.5	100	15.9	43.7	
Uttar Pradesh	54	89	28.2	1.6	100	7.4	24.2	
Uttarakhand	72	68	0.0	9.4	100	16.0	38.1	
West Bengal	77	59	0.0	2.0	100	20.5	37.6	
Small states								
Arunachal Pradesh	62	13	100.0	77.0	0	15.4	37.6	
Goa	23	43	0.0	13.6	100	40.8	66.3	
Himachal Pradesh	77	46	0.0	84.3	100	16.1	27.9	
Meghalaya	7	23	72.7	14.3	100	53.7	27.1	
Mizoram	95	38	100.0	28.7	0	39.5	38.7	
Sikkim	31	48	100.0	70.3	0	46.9	52.0	
Tripura	73	19	60.0	13.4	100	30.2	29.8	
Unranked states								
Assam	77	0	0.0	2.6	67	34.5	40.2	
Jammu & Kashmir*	69	58	40.9	4.5	100	11.9	35.6	
Manipur	95	15	100.0	31.6	56	39.1	43.6	
Nagaland	69	9	100.0	8.3	0	52.7	29.1	
Union Territories								
Andaman & Nicobar Islands	8	0	100.0	25.2	0	28.1	44.8	
Chandigarh	39	41	0.0	2.9	100	43.9	41.9	
Dadra & Nagar Haveli	4	0	100.0	0.9	0	50.0	66.7	
Daman & Diu	4	0	100.0	24.3	0	24.1	67.8	
Delhi	68	49	0.0	7.6	100	27.3	47.3	
Lakshadweep	6	0	100.0	69.8	0	27.3	66.7	
Puducherry	30	26	100.0	21.3	0	26.1	41.4	

States and Union Territories arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: National Legal Services Authority (NALSA); Primary Census Abstract, Census 2011; Prison Statistics India (PSI); National Crime Records Bureau (NCRB).
Abbreviations: 1. DLSA: District Legal Services Authority; LA: Lok Adalat; PLA: Permanent Lok Adalat; PLV: Para-Legal Volunteer; SLSA: State Legal Services Authority.

Table 10: Indicator-wise data, state scores and ranks

Theme	Infrastructure			Workload			Score (out of 10)	Rank in cluster
	Indicator	DLSAs as % of state judicial districts (%; 2019)	Villages per legal services clinic (number, 2017-18)	Legal services clinic per jail (number, 2017-18)	PLA cases: settled as % of received (%; 2017-18)	Total LAs: Pre-litigation cases disposed (%; 2017-18) ²		
Scoring guide	Higher, the better	Lower, the better	Higher, the better	Higher, the better	Higher, the better	Higher, the better		
Large and mid-sized states								
Andhra Pradesh	100	35.0	0.77	18	21.5	7.0	4.93	10
Bihar	100	348.9	0.95	24	81.2	12.0	4.52	16
Chhattisgarh	92	69.6	1.13	43	51.1	1.5	5.13	8
Gujarat	94	36.8	1.78	35	31.4	3.6	5.30	6
Haryana	100	20.7	1.00	85	22.6	7.6	6.09	2
Jharkhand	100	78.6	0.93	38	57.2	19.7	4.63	14
Karnataka	100	186.4	0.62	50	17.3	1.9	5.22	7
Kerala	100	10.1	0.39	70	55.0	15.1	6.58	1
Madhya Pradesh	100	89.8	0.98	54	64.4	2.5	4.98	9
Maharashtra	100	106.4	0.25	79	69.4	1.3	5.43	5
Odisha	100	256.3	0.92	41	7.4	0.1	4.61	15
Punjab	100	64.4	1.23	65	35.4	2.7	5.84	3
Rajasthan	100	6.2	0.78	43	23.9	1.0	4.67	11
Tamil Nadu	100	27.3	0.86	0	36.0	3.0	4.65	12
Telangana	92	39.0	0.80	63	53.7	15.6	5.58	4
Uttar Pradesh	95	1603.5	0.19	37	35.1	8.0	2.50	18
Uttarakhand	100	131.2	0.82	2	11.7	0.0	4.46	17
West Bengal	83	64.3	0.83	0	92.1	93.8	4.64	13
Small states								
Arunachal Pradesh	125	NA ¹	2.50	0	70.3	4.2	2.67	7
Goa	100	5.2	1.00	5	48.0	6.4	5.47	1
Himachal Pradesh	100	20.0	0.86	83	3.3	0.1	4.60	3
Meghalaya	157	62.1	0.80	0	50.6	0.0	3.03	6
Mizoram	100	10.8	1.29	0	96.8	27.7	4.66	2
Sikkim	100	141.7	0.00	0	44.0	19.0	3.30	4
Tripura	63	2.5	1.00	18	3.0	0.1	3.05	5
Unranked states								
Assam	122	173.8	0.35	43	16.2	1.8	Not ranked	
Jammu & Kashmir*	100	45.9	1.00	0	57.3	18.0	Not ranked	
Manipur	129	38.7	0.40	0	91.6	0.0	Not ranked	
Nagaland	100	15.7	1.00	0	60.6	0.0	Not ranked	
Union Territories								
Andaman & Nicobar Islands	100	NA ¹	0.00	50	25.8	6.5	Not ranked	
Chandigarh	100	0.5	1.00	121	3.4	18.1	Not ranked	
Dadra & Nagar Haveli	100	5.4	1.00	0	17.9	0.0	Not ranked	
Daman & Diu	100	3.2	0.50	0	41.4	0.0	Not ranked	
Delhi	100	NA ¹	1.42	94	31.0	86.5	Not ranked	
Lakshadweep	0	NA ¹	0.00	0	100.0	34.2	Not ranked	
Puducherry	25	1.6	1.00	0	28.7	4.9	Not ranked	

States and Union Territories arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: National Legal Services Authority (NALSA); Primary Census Abstract, Census 2011; Prison Statistics India (PSI), National Crime Records Bureau (NCRB).
 Abbreviations: 1. DLSA: District Legal Services Authority; LA: Lok Adalat; PLA: Permanent Lok Adalat; PLV: Para-Legal Volunteer; SLSA: State Legal Services Authority.

Notes:

1 Arunachal Pradesh, Andaman & Nicobar Islands, Lakshadweep and Delhi have villages but no legal service clinics in villages.

2 NLAs + SLSA LAs: Share of pre-litigation cases in disposed cases (%; 2017-18).

3 SLSA LAs: Pre-litigation cases disposed as % of total cases taken up (%; 2017-18).

Other Sections

Methodology

States of exclusion

Accessing the Right to Information

Fiscal injustice

Conclusion

Methodology

Data is a standard and objective prism through which any public good can be assessed. It provides an X-ray of the anatomy of a system, reveals its ailing parts and suggests what remedies can be best applied for the body to begin repair. It can also objectively measure the level of intention there is to strive for improvement. This report is a purely quantitative study. It uses official data to rank the state by measuring how well it has capacitated its formal justice system to deliver on its mandate. It analyses 4 areas or pillars of the justice system—police, judiciary, prisons and legal aid—to arrive at a rank for each. Within these pillars it assesses 6 themes: budgets, infrastructure, human resources, workload, diversity, and trends on the basis of 78 indicators.

Taken by itself the use of indicators from these sources is not a unique exercise. Other studies have used some of them in different contexts. However, this report is unique in three ways. Each indicator in itself is a commentary on an important facet of the pillar. The study also fuses indicators together to compute an aggregate score for every pillar under every state. Finally, never before have so many indicators been marshalled by a study in India to arrive at a research result—a comparative ranking of the capacity of the justice system across each state.

Step 1: Outline

In order to assess the capacity of states to deliver justice, we looked at data indicators from four pillars, namely:

- | | | |
|----|------------------|---------------|
| 1. | Police | 20 indicators |
| 2. | Prisons | 21 indicators |
| 3. | Judiciary | 24 indicators |
| 4. | Legal aid | 13 indicators |

The indicators, across the pillars, covered the following themes:

1. Infrastructure
2. Human Resources
3. Diversity (Gender, SC/ST/OBC)
4. Budgets
5. Workload
6. Trends (Change over last 5 years)

Each theme represents a precondition necessary for the functioning of a pillar. Budgets measure the funds received, utilised and spent per functionary or per capita; infrastructure, the basic physical resources available; human resources takes account of personnel sanctioned and available on the ground; workload, the weight of service delivery upon a functionary within that sub-system; and diversity assesses how representative these transaction oriented systems are, of the populations they are set up to serve. A sixth theme, 'trends', is used, where possible, to assess whether there has been improvement or deterioration over 5 years in a particular theme. This too is taken account of when arriving at the overall ranking.

Step 2: Filtering

During the exercise, we would have considered about 200 indicators. We have narrowed this down to 78 largely derived indicators. The choice of an indicator was driven principally by two factors:

1. To capture a dimension of the pillar (the six themes listed above) and to make it as equally representative as possible.
2. To allow states to be ranked on it—the values for the indicator should allow for a good-to-bad gradation.

In order to provide the most precise picture of any system the data snapshot should ideally be able to

capture the anatomy of all its component parts for a uniform period of time.

However, this was made impossible by the existence of several important data points which, while significant in understanding state capacity to deliver justice, did not lend themselves to a fair comparison between states and therefore have been excluded from contributing to ranking.

Though there were over 200 possible data points to take into account, the 78 used came to be chosen on the basis that all were evenly available across pillars and themes, reported in similar fashion across all states, and able to deliver a fair comparison between states against benchmarks that the state itself had committed to. Where there were no benchmarks in hard law, policy pronouncements or government committee recommendations, the scores were graded taking account of how well a state had capacitated itself to deliver a public good optimally.

Baseline

A single start and end year across pillars was impossible to settle on, because official national reports pertaining to justice sub-systems are published at different intervals and publication is often delayed by as much as three years.

Rather than use a single outdated baseline the principle applied in this report is to use the latest baseline data available at the time of printing for each sub-system: for the police it is 1 January 2017, prisons 31 December 2016, the judiciary uses data from 2016–2017, 2017 and 2018, and for legal aid 2017–2018 and January 2019 data is used. For data on budgets the report referred to Comptroller and Auditor General reports for 2015–2016. Though outdated themselves, the CAG documents were preferred over state budget documents because of the unavailability of budget documents from some states, and the inconsistencies and state variations in account heads to expenditure.

There exist many data points that while collected and in the possession of governments may not

be collated or published, or proactively disclosed to the public, as they are required to be under the Right to Information Act, 2005. Another limitation is delayed reports, such as the Prisons Statistics India (2016) report, finally published in 2019, and Data on Police Organisation reports (with data published as of 1 January 2017). In order to acquire the latest data, often collated but not published, 706 RTIs were filed across state departments of the office of the Director General of Police, High Courts, state legal services authorities, state crime record bureaus, and prison departments, among others (see Accessing the Right to Information chapter).

Step 3: Scoring basis

Raw data was rebased on a common scale so that every indicator could be scored on a scale of 1 to 10, with 1 being the lowest or least desirable status, and 10 indicating the highest or best score.

The scores in-between were calibrated to show where a state stood in relation to the best and the worst. For instance, a state that had no shortfall in judges seen against its sanctioned strength, received a score of 10. Whereas the state that had the most vacancies, say 40 per cent received a score valued at 1; the scores of the other states were then calibrated against these two extreme values.

Where a state met or exceeded the benchmark it had set for itself, it received a score of 10. If there were no benchmarks to rely on, but a state received a 'top' score of 10, it does not mean that the state has reached an ideal capacity—merely that it is best in class in that area. The scores of every indicator were aggregated and averaged out to arrive at a pillar score—also scored on a scale of 1 to 10.

Averages themselves were arrived at using the geometric rather than the arithmetic mean because this method is less prone to distortion by extreme outlying figures, and average scores remain relatively less affected.

We averaged the pillar scores for a state (again, using the geometric mean) to arrive at an overall score, out of 10.

Step 4: Clustering

For every indicator, we first applied this methodology to all states and UTs together. However, for some parameters, values for UTs or our unranked states were significantly higher than other states. This was due to the nature or circumstances of these geographies.

For example, civil police per lakh population for UTs ranged up to a maximum value of 646, against 213 for most prominent states. Similarly, Jammu and Kashmir (pre-August 2019), Manipur and Nagaland were spending on average 12 per cent of their total expenditure on police, against 3-6 per cent for most prominent states.

Since our methodology places importance on the range (minimum and maximum value), such outlier values were unduly influencing the scores for all other states. In order to compare like with like and ensure that states were compared to one another on as equal a basis as possible, we chose not to have an all-India ranking, and divided the states and UTs into 4 clusters:

- **Cluster I (ranked):** Eighteen large and mid-sized states (population above 10 million). As per the Census 2011, these house 90 per cent of India's population. We see this as the core of our study.
- **Cluster II (ranked):** Seven small-sized states (population up to 10 million): Arunachal Pradesh, Goa, Himachal Pradesh, Meghalaya, Mizoram, Sikkim, Tripura.
- **Cluster III (not ranked):** Seven UTs, including

Delhi and Puducherry (we are giving values but not ranking them).

- **Cluster IV (not ranked):** Four states (where AFSPA is in force): Jammu and Kashmir (pre-August 2019), Manipur, Assam and Nagaland (we are giving values but not ranking them).

Step 5: Scoring and ranking

For each cluster, we applied the methodology outlined in Step 3 to every parameter in the pillar.

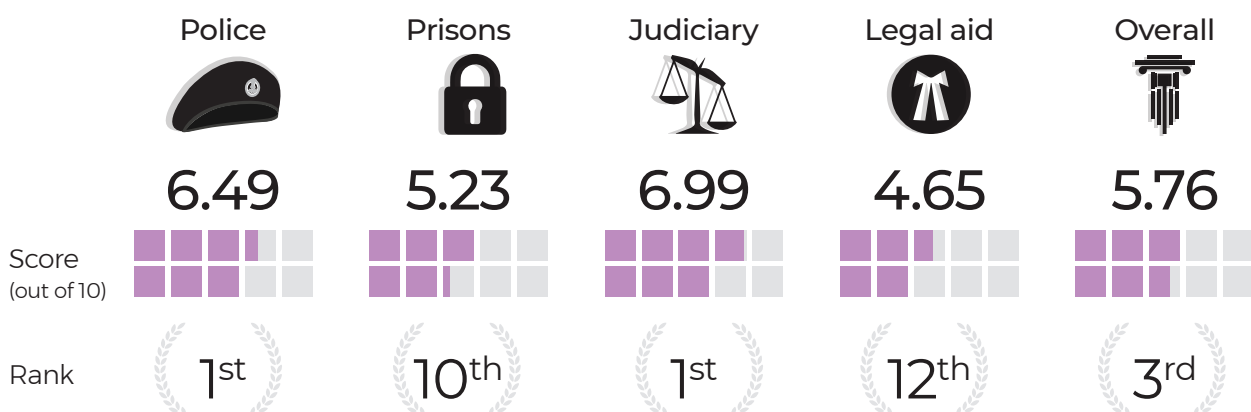
Police, for example, had 20 parameters. So for every state, we obtained a score out of 200. We averaged it using the geometric mean divided by the number of indicators for which data should have been available for the state to arrive at a pillar score out of 10.

For states whose values were missing for certain indicators, we did the following. If the value was missing because there was a genuine reason for the data to be missing (for example, five-year data for Andhra Pradesh and Telangana), we did not penalize the state; we reduced the number of parameters correspondingly while working out its pillar score.

But if the value was missing because the state did not submit the data to the agency concerned, we penalized the state by not reducing the parameters correspondingly while working out its pillar score.

So, for example, Tamil Nadu was in Cluster I (large and medium-sized states). Its performance was calculated as follows:

State score and ranking: Tamil Nadu



Step 6: Arithmetic mean or geometric mean?

Initially, once we obtained indicator scores, we aggregated them for pillar ranking and overall ranking using the concept of arithmetic mean. But we found there were too many extreme values. So we shifted to the geometric mean. Thus, in a scenario where a state is scoring high or low in a pillar because it is doing extremely well or extremely poorly in a handful of variables, the geometric mean tends to normalize outlier/extreme variables better.

Step 7: Uniformity in indicators counts across themes and weights

Further, every indicator in the study has been assigned an equal weightage. The team considered assigning equal weights to themes, but the indicator count is not consistent across themes—for example, under diversity, we have 5 indicators for police but 2 for judiciary. There is a paucity of public data and its availability is also not consistent. In the context of the discussion on weights, another significant point that was checked was whether a higher count of indicators in certain themes was influencing the performance of states that were doing better on those counts; pushing them up or down in the rankings. Since the team found that this was not the case—states that were doing better/worse on those counts were also doing better/worse overall, theme-wise weightages were not assigned.

Step 8: Data checks

The data was checked all the way down to source data at two points in time: after the preliminary set of rankings were generated, and after the final set of rankings were generated (before we translated the data into web and print outputs). A third round of checking was done on the final outputs.

Rounding off decimals: We looked at decimals through the ease of reading the data—where the numbers were large we did not include decimals

and where they were small and the variance was in fractions, we included decimals—1 or 2 as needed.

Use of percentage points: The report uses percentage points as a unit of measurement for the trend or change indicators. This is calculated as the difference between two percentages to highlight an increase or decrease.

Shared court jurisdictions: For states that share court jurisdictions, we have used the same data where justifiable. For example, population per High Court judge was combined for Punjab and Haryana since the two states are serviced by the same High Court. Similarly, for population at the subordinate courts level, combined figures as given in 'court news' have been used to arrive at a common figure for Dadra and Nagar Haveli and Daman and Diu. Conversely, in calculating the shortfall in available courthalls, we have excluded certain subordinate courts where data on judges was not available separately, for example with West Bengal, and Andaman and Nicobar Islands.

Strengths and Limitations

This report is a first of its kind ranking on the capacity of the justice system to deliver. Being the first such report, we have tried our best to ensure rigour and accuracy. This does not, however, preclude the possibility of improvements in future iterations of the rankings.

Among its biggest strengths is that this is the first time a study brings together disparate and hitherto siloed information in one accessible place. Its aggregations suggest how the performance of one pillar can impinge on another. On the other hand, the atomisation of so much data allows for pin-pointing exact locations for possible intervention and remedy. Both these are valuable aids in holistic planning. Arguably, even the gaps within, related as they are to uneven data availability, signpost the urgency of creating dependable, uniform, timely and publicly available data systems nationwide that lend themselves to cooperative internal planning for future success. Another major strength of the report lies in its

iterative and continuously consultative process. As a collaboration between several specialist civil-society organisations it has benefitted from constant checks and advice from government agencies, judges, retired DGPs of prisons and police, and other specialists in these sub-systems. The involvement of these myriad perspectives validated the choice of indicators and scoring and reduced the possibility of inadvertent bias.

The report is a purely quantitative exercise on selected aspects of the justice system. Its analysis was often limited by the unavailability and paucity of data and inconsistencies. It does not pretend to capture the views of the duty holder or functionary and stakeholder that relate to the qualitative performance and functioning of each sub-system. This is best brought out through perception studies and surveys. Nevertheless, the data delineation here is a necessary supplement to other qualitative studies and helps indicate solutions to many entrenched problems. We hope that the report will encourage others to strive to go ever deeper into the structure of the justice delivery system. This will prove useful in planning and estimating future variations or alterations across departments.

In having assigned equal weightage to all indicators, the makers of the report acknowledge that this may potentially lead to a bias in the results, because indicators may vary in their particular relevance across states. For example, Kerala's police spend per person is scored lower than most states, but this may be because historically Kerala has performed well in terms of its

police, so it may not need to have a high spend.

Another limitation of the report is that since data was drawn from official sources, and while we tried to ensure there were no errors, we had to take the data at face value. There were some instances, however, where we felt this was questionable, e.g. regarding the number of medical officers in prisons, or the number of jails itself within a particular state.

While the data sheds light on various indicators of the formal justice system, one cannot draw simplistic conclusions or establish ready causations between indicators. The ranking would need to be supplemented by other tools, such as perception surveys, in order for this to be done.

Finally, we acknowledge that the composition of the indicators selected depended on the availability of data. In order to do a more holistic assessment of a pillar, one would require a greater diversity of indicators across themes. For example, while we wished to include a theme on 'accountability and oversight', the relevant information was not consistently available across pillars, with judicial oversight mechanisms being hidden from public knowledge, and legal aid mechanisms still in a nascent stage. We found it difficult to come by information on internal oversight mechanisms across the pillars and when information was available, as is in the case of external oversight mechanisms, it was scattered and could not be fully compiled for a given year.



States of exclusion

The Justice Report omits the states of Nagaland, Manipur and Assam in the north-east of India and Jammu and Kashmir* in the north-west, where there exist, or have existed for some time, either acute or significant challenges of internal security, going beyond the normal ambit of policing and law and order.

This is deliberate, as the conditions that exist in these states mean that normal policing processes, or even special use of civil force (i.e. declaration of Section 144 CrPC to deny the gathering of more than four persons, or even periodic curfews) prove inadequate in dealing with local conditions.

As a result, local administrations have resorted to invoking extraordinary central laws which bring in the armed forces and, consequently, sweeping powers of shooting, detention and search without warrants.

In these four states, the law-and-order machinery is buttressed and even superseded in parts by extraordinary central laws like the more than sixty-year-old Disturbed Areas Act (DAA) and the Armed Forces (Special Powers) Act (AFSPA) to handle internal disturbances, which in real terms amount to various stages of conflict between the State and non-State armed groups; fighting for a host of diverse and often uncorrected issues. In the 1980s, AFSPA was also used extensively in the Punjab to combat unrest and armed insurgencies.

While these laws have been upheld by the Supreme Court, the court has also recently intervened to say that such powers as exist under these laws cannot be used arbitrarily to kill and harm civilians. For example, a crucial case involving the deaths of 1,528 persons between 1980–2014 in Manipur at the hands of armed forces and police personnel is before the country's highest court,

which could impact existing concerns about adequate access to justice.

In 2015, Tripura (which is included in the overall report), creditably declared itself insurgency-free and declined to renew AFSPA (which has to be renewed every six months by declaring a state as 'disturbed'). Three years later, Meghalaya was also removed from that list by the centre, which has since virtually handed over the powers for declaring a state or part of it disturbed— i.e. necessitating the invocation of armed forces to deal with a critical challenge to national integrity— to the states.

Taken together, these four states spent an average of 10.48 per cent on the police, more than twice the average spend of much larger states in the large and mid-sized clusters in our report. In 2015–2016, for example, our data shows that Manipur spent the highest proportion of its budget on the police, followed by Punjab and Jammu and Kashmir.

On the judiciary, however, the average spend was only 0.40 per cent—lower than the national average of 0.54 per cent—even though, arguably, the need for effective and efficient legal recourse and urgent remedy is greater in areas where exceptional situations exist.

In such circumstances, the Justice Report team felt, it would not be appropriate to club these states with others where a more 'normal' force of criminal justice system was in place. Perhaps a separate edition of the report could review conditions as exist in these states, without comparing them to those which do not face the acute tensions and pressures of the former.

Sanjoy Hazarika,
International Director,
Commonwealth Human Rights Initiative

Accessing the Right to Information

The Right to Information Act, 2005 (RTIA) operationalizes a fundamental right. It is acknowledged as an essential law that facilitates the fulfillment of all the other basic human rights. It mandates transparency in governance, is seen as enabling the informed participation of the citizenry, and is vital to democratic functioning.

Access to information is internationally acknowledged as a human right¹ and is so recognized by the Constitution of India. The premise under the Right to Information Act, 2005 (RTIA) is simple. The citizen has the right to all government held information that Parliament or state legislatures can ask for. Exceptions are narrow and specific. The duty to disclose is twofold: to gather, retain and give information when requested and a duty to disclose information which is of general public interest, in a *suo moto* or proactive and routine manner, without any specific prompt from a requester.²

To ensure that citizens always have access to authentic, useful and relevant information, Section 4 of the RTI Act requires all public authorities to

routinely publish 17 categories³ of information which should be updated regularly.

Section 4 (2) of the RTI Act, 2005 states that:

It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

In the course of gathering data for this report the RTI team sought to access data held by public authorities under Section 4 of this Act. The data related to budgets, human resources, infrastructure and diversity, and benchmarks

1 Article 19 UDHR (1948), Article 19 ICCPR (1966). A UN Commission on Human Rights appointed Special Rapporteur, in a 1998 Report, clarified the meaning of freedom of information under Article 19 of the ICCPR in unequivocal terms as 'impos[ing] a positive obligation on States to ensure access to information, particularly with regard to information held by Government in all types of storage and retrieval systems.'

2 Section 4 (1) (c) publish all relevant facts while formulating important policies or announcing the decisions which affect public; and Section 4 (1) (d) provide reasons for its administrative or quasi-judicial Right to Information decision to affected persons.

3 Section 4 (1) (b) (i) the particulars of its organisation, functions and duties; (ii) the powers and duties of its officers and employees; (iii) the procedure followed in the decision making process, including channels of supervision and accountability; (iv) the norms set by it for the discharge of its functions; (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions; (vi) a statement of the categories of documents that are held by it or under its control; (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof; (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public; (ix) a directory of its officers and employees; (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations; (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made; (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes; (xiii) particulars of recipients of concessions, permits or authorisations granted by it; (xiv) details in respect of the information, available to or held by it, reduced in an electronic form; (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use; (xvi) the names, designations and other particulars of the Public Information Officers; (xvii) such other information as may be prescribed; and thereafter update these publications every year.

pertaining to periods between 2009–2010 and 2016–2017. The information was sought from state legal services authorities (SLSA), the offices of the Director General of Police, the State Crime Records Bureau, High Courts and their legal services committees and prison departments across all states and union territories.

All the data sought was well within the statutory definition of what is to be proactively disclosed without any request from the public. Ideally, all of it should have been routinely available and updated on departmental websites.

Recognizing that websites are often out of date or incomplete, in addition to scouring the websites of relevant departments of all states, between August and December 2018, the team filed nearly 700 requests to almost 150 departments across states and UTs.

Departmental websites were the natural first choice for accessing data. The National Judicial Data Grid keeps its website updated in real time and provides valuable data such as the total criminal cases pending for over a year in subordinate courts. The website of the National Legal Services Authority (NALSA) was another useful source of information. We also looked through the websites of government agencies responsible for collating data nationally, such as the Bureau of Police Research and Development (BPR&D) and the National Crime Records Bureau (NCRB). Here, annual data was often not updated. At the time of publication, the last year for which data was available for prisons was from the Prison Statistics India report (2016), and police data released by the BPR&D in its Data on Police Organisation report for January 2017. Detailed and current information often proved even more elusive on department and state level websites. It was these information gaps that compelled us to file RTI requests.

Even the RTI process was beset with absence or inaccuracies in basic information. Illustratively, having an address is key to initiating an RTI request. However, many of the departmental websites accessed didn't have complete postal

addresses. Some departments did not mention the PIN code which is mandatory when sending an RTI request by registered or speed post. At least two dozen requests were returned without explanation despite being correctly sent to publicly disclosed addresses. Some were rejected because the receiver simply refused to accept them. Telephone numbers too were often incorrect: illustratively, those of the Tamil Nadu Prison Department, Nagaland DGP office, SLSA of Jharkhand, and Bihar DGP office. Some addresses had changed, as with the Assam DGP office and SLSA West Bengal. In yet other instances, departments—such as the Tamil Nadu SLSA, Karnataka SLSA and prison department—simply did not answer despite multiple attempts at seeking information.

Each state has different rules about modes of payment, formats in which to file requests, and some even insist on word limits and limiting requests to one subject matter. Karnataka, Chhattisgarh and Maharashtra limit the length of a request to 150 words. Exceeding this opens the possibility of rejection. Rates of payment too differ: Karnataka asks for Rs 10 per request while in Sikkim the fee is Rs 100.

Jharkhand accepts demand drafts, and Karnataka accepts Indian postal orders, among other modes of payment. Tamil Nadu wants the fee paid in the form of a court fee stamp which must be bought locally. Out-of-state requestors have the difficulty of sourcing in-state stamps. Jharkhand's information commission website mentions that payment by demand draft is acceptable but then refused to process requests unless the fee was paid by Indian postal order. Similarly, Manipur and Nagaland accepted payments through the post office but hadn't updated their sites to reflect this fact.

Another challenge was identifying which public authority held a certain piece of information and could be approached to provide it quickly. Nodal state agencies tasked with sending information to national institutions or to single data collection points in their own department headquarters or ministries, seldom had disaggregated data, preferring instead to send the questions down to points of origin. Out of the total queries more

than 500 were transferred down to the districts or to other departments. As a result, over 3,000 RTI responses had to be processed instead of 706. For instance, state legal aid authorities for the most part sent requests from headquarters down to the districts because they held no current collated data. The state authorities appeared not to have standardized their record-keeping nor did they seem to have a routinized information collection and transmission mechanism upward to nodal authorities. This, despite working under a common normative framework laid down by the National Legal Aid Services Authority which funds them and oversees their functioning. Similarly, all the State Crime Records Bureaus transferred requests to the DGP office even though they are the nodal agency for gathering and submitting crime data into the national database at the National Crime Records Bureau.

There was unevenness too in how the responses were processed. Most responses from the district came directly to us while others came to us through the state-level departments. Some districts chose not to respond at all. Out of 33 districts in Assam only 24 district legal services authorities responded.

With information coming from so many different decentralized points it became difficult to fix responsibility for incomplete or incorrect data and—more importantly, for our purpose—to seek additional information where data gaps remain.

Even though some offices transferred the application laterally within a department or downward to more local offices, within the five-day window they have for doing so, responses took their own time in coming and the whole process took well over five months on average—and certainly well over the mandated 30 days within which a RTI request has to be responded to. At the time of writing, a number of states had not responded to the queries, well after six months from filing. This included the prison departments of Rajasthan and Telangana, and the DGP offices of Himachal Pradesh and Madhya Pradesh.

In fact, in most cases the process of attending to the application began only after a team member personally reached out to personnel within a department. Just about 30 per cent responded without any follow-up from our end however this was well after the statutory period for providing the information being sought. On average the most complete unprompted responses arrived after 50 days. The state legal services authorities of Kerala and Mizoram responded quicker than others, but even then very few authorities responded within the statutory 30-day limit.

Finding the departmental public information officer was no easy task though this too must be available publicly. Many officers were unwilling to divulge even simple information about the status of the request let alone provide any information about the subject matter. Instead, a call to enquire about the status of a request was often passed from one desk to another.

For example, the prison department in Karnataka repeatedly transferred calls from one person to another without settling on someone in authority who would take responsibility for handling the RTI query.

The Rajasthan Prisons Department was never reachable by phone. It took four visits and being passed from one official to another before a public information officer could be identified, only to be told that the data had already been sent by post. No data had been received so a further request to send it by email or WhatsApp was made, but turned down as the PIO 'had no access', we were told. The information never arrived.

The prison departments of Bihar, Karnataka, Chhattisgarh, Nagaland, Tripura and Telangana had no collated data to provide and instead pointed us to district level offices, without any information about who the responsible public information officers were or let alone their contact details.

Even 14 years after the Right to Information Act has been in force, suspicion of the RTI user and his/her

query is often in evidence. In Manipur, for instance, we had asked for unexceptional information on jails, undertrial prisoners, convicts released under the Probation of Offenders Act, premature release of convicts, status of appointment of Non Official Visitors (NOVs) and Board of Visitors (BOVs) etc. However, merely checking on the status of the application filed with the state prison department required going from desk to desk and room to room with everyone refusing to answer at what stage the request stood. Finally, an officer who 'did not wish to be named' ventured that the department was 'reluctant' to provide the data since the information was 'sensitive and could be misused' and the questions looked 'suspicious'. It was made clear that nothing would be processed until a higher authority signalled the giving or refusing of the information.

Similarly, the High Court of Jharkhand rejected a request on the grounds that a declaration had not been furnished with the application stating that the request for information was 'proper and legal'. There is no such stipulation required of any requestor in the main Act. Practical hurdles also prevented swift responses: several officers asked that queries be submitted in the local language. In the absence of strong internal systems an officer on leave or transfer can create long delays or, worse still, allow an information request to fall through the cracks. The RTIA provides for penalties, wherein the Central Information Commission (CIC) or State Information Commission (SIC) can impose a penalty of Rs. 250 per day till the information is furnished to the applicant—if it is found that a public information officer has denied an information request or knowingly given incorrect, incomplete or misleading information⁴—and may even recommend disciplinary action against the officer. However, unless a complaint is escalated to the level of the SIC, there appears to be a laxity in following the statute.

Nevertheless, some offices that were prompt were the state legal services authorities of Mizoram, Andaman and Nicobar Islands, Haryana, Telangana and Kerala. The Delhi government departments,

too, were very forthcoming with information. In some states, a few PIOs even gave their personal contact numbers to help the team with the RTI requests; for example, officers from Jharkhand, Goa, Himachal Pradesh and Nagaland were always available. Others who found they had no current information to give offered to provide older information, but only if fresh RTI requests were filed. Instead of automatically transferring the entire list of queries to the relevant districts the Punjab, Assam and Uttarakhand state legal services authorities, as well as the prison department of Himachal Pradesh provided data they held and forwarded only the remaining queries down to the districts. The Gujarat, Karnataka and Mizoram legal services authorities collated all the information they received from the districts before sending out their response to our queries. The good practices followed by these departments and authorities saved a lot of time.

Of all the public authorities, the DGP offices were the quickest to respond and provided the most data from headquarters itself. Prison departments, on the other hand, posed the biggest challenge. They were unwilling to share data beyond 2015. Some denied having collected the information while others said they were unable to share it until it was published at national level in the annual Prison Statistics India report (for 2016, in this case) published by the Delhi-based National Crime Records Bureau. That report, which is supposed to be published on an annual basis, only came out recently after 3 years.

Once the information was received, other challenges came forth, either in the form of incomplete data, or data that had not been categorized in a manner corresponding to the information requested. For instance, upon our request for budget data, the figures provided were not accompanied by any units, such as lakhs or crores. Information provided in this manner is incomplete and prompts follow-up requests and calls, which waste a great deal of energy and resources.

⁴ Section 20, Right to Information Act (2005), p 17. P. 17 <https://rti.gov.in/rti-act.pdf>

Similarly, responses were also often not corresponding to the year requested, or were given for only one of the periods asked for. For example, when asked for the sanctioned and actual number of doctors with an MBBS degree in central, district and sub-jails of a state between 2015 to 2018, a number of prison departments provided either overall state data, or information for only one year or chose to provide only the sanctioned number. When asked for data on the reservations for SC, ST and OBC communities in subordinate courts for the period 2015–2018, the responses received reflected a similar selectiveness, with some states choosing to provide data for only a particular year, or for a particular category.

The lessons learnt were many: allow for long delays in receiving information, ask for information in the local language, break down the query into specifics and don't cluster too many queries in one request—and be prepared to receive uneven data.

It bears repeating that requesting information involved a great deal of effort, whether in terms of energy or finances. All the data was of the kind which should be compiled and readily available with state authorities and ideally, put out in a timely manner in the ordinary course of government business. Despite the Act requiring them to do so, there are a variety of reasons why this was not the case. Ensuring compliance and best practices would save countless hours of government time in processing and responding to RTI applications of this nature, besides saving money and human resources. More importantly, it would foster a culture of transparency, accountability and service, and build vital trust between government and the people.

Gangadhar Patil,
Founder & CEO, 101 Reporters

Fiscal injustice

Over the last fifteen years, India has witnessed a gradual decline in the overall quantum of public expenditure in the country as a percentage of the GDP (i.e. the overall fiscal capacity available to the government, has been gradually shrinking).¹ As a result, what we have is an intense and eternal re-prioritization of the existing quantum of public expenditure across different sectors. This also means budget exercises, both at the centre and in the states, have become a zero-sum game, where an increase in the quantum of expenditure on one or more sectors can only happen at the cost of reducing spending in some other. Inevitably, this prioritization is motivated by many factors, heavily influenced by political and economic considerations, and in which justice delivery is rarely given a high priority.

Nationally, India spends 0.08 per cent² of its GDP on the judiciary. The total expenditure, by the union and state governments, taken together (₹28046.22 crore), has increased by 53 per cent between 2016–2017 and 2018–2019. However, the major chunk (92 per cent) of judiciary financing is carried out by state governments. The share of the union government in the all-India budget for judiciary (8 per cent) is even less than the spending by some states, like Uttar Pradesh (16.2 per cent) and Maharashtra (9.2 per cent).³ Even the historic opportunity presented by the Fourteenth Finance Commission (FFC), which increased the flexi funds to states from the divisible pool by about 10 per cent,⁴ could not significantly influence prioritization in favour of justice delivery. Luckily, that lost opportunity can still be regained if the Fifteenth Finance Commission were to retain the approach of higher

devolution of flex funds to states.

The pursuance of fiscal discipline (i.e. restricting public borrowing), combined with low tax revenue, has been at the core of inadequate budget allocations being made for a host of sectors (compared to their public resource requirement), including justice delivery institutions such as the police, legal aid, judiciary and prisons. For instance, regarding staff shortages, the finance ministries and departments, both at the union and state levels, strongly discourage increases in public spending on new appointments in regular or permanent cadre staff. This is often done in view of the long-term expenditure commitment involved for salaries and pensions/retirement benefits, as compared to hiring contractual staff. Recruitments against existing vacancies, too, have been very slow. One reason for this is administrative and procedural bottlenecks, but an even bigger reason is the reluctance of finance ministries and departments to allow increased recurring expenditure.

Financial inadequacy has a direct correlation to capacity enhancement and the maintenance of core competence of the judiciary, legal aid, police and prisons—the four pillars that constitute the formal justice system. The most alarming capacity constraint across these institutions is the severe shortage of human resources—both in terms of the sanctioned strength and the vacancies against the existing positions.

Vacancy of judges/judicial officers: Based on projections of indices such as Human Development Indicators, the norm of 50 judges per million population⁵ and the natural growth in institution

1 Prashant K. Nanda, 'Not enough fiscal space to increase public spending on social sector, says Economic Survey', *Live Mint*, 30 January 2018.

2 <http://www.cbgaindia.org/wp-content/uploads/2019/01/Memorandum-on-Budgeting-for-Judiciary-in-India.pdf> (last accessed on 18 March 2019).

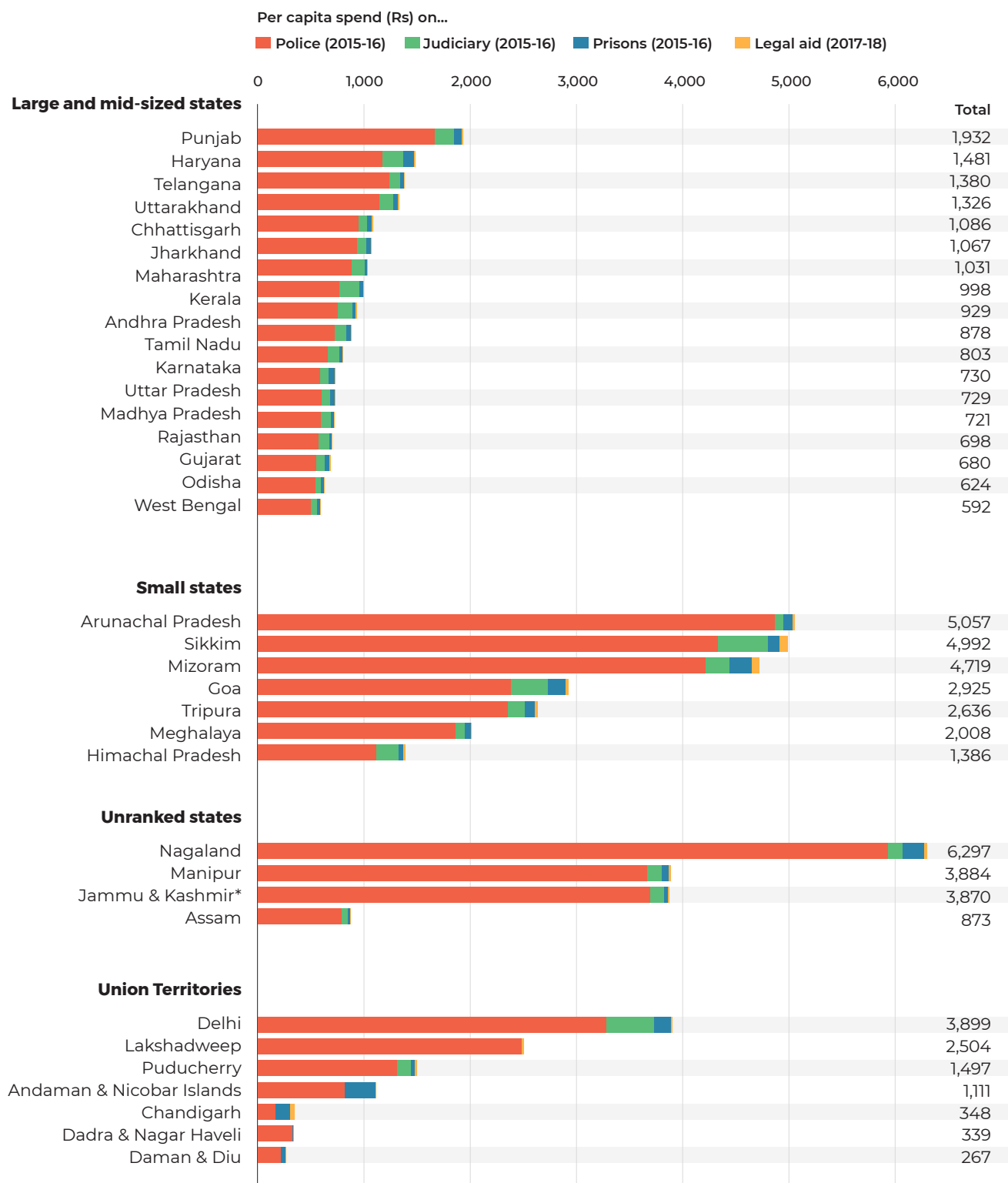
3 *Ibid.*

4 https://www.thehinducentre.com/multimedia/archive/02321/14th_Finance_Commi_2321247a.pdf

5 One hundred twentieth report on 'Manpower Planning in the Judiciary: A Blueprint', Law Commission of India, 1987. <http://lawcommissionofindia.nic.in/101-169/Report120.pdf>

Figure 16: Per capita spend

How much does each state spend on police, prisons, judiciary and legal aid, per person?



Data sources: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India; National Legal Services Authority (NALSA).

Judiciary expenditure data not available for Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep. * pre-August 2019.

of legal cases in the country, India will reportedly require 75,000 to 80,000 judges by 2040.⁶ As of December 2018, the judicial system in India is operating with a substantially lower number of sanctioned posts of judges/judicial officers (23,754 only). The total vacancy against sanctioned strength across all tiers is 23.25 per cent.⁷ This situation is aggravated by the disparity across different tiers of judiciary. In 2016–2017, 42.33 per cent of judge posts in the High Courts were vacant, while in subordinate courts the vacancy was at 23.18 per cent. Moreover, 22.22 per cent of the sanctioned posts of non-judicial staff at the High Court-level for the same period were also found to be vacant.

According to the Bureau of Police Research and Development (BPR&D), police personnel deficits run at about a 22 per cent vacancy against the total sanctioned number of 24,64,484. In states like Uttar Pradesh and Bihar, the ratio dips to well below 100 police personnel per 1,00,000 population. Countries like Sweden, Norway, Canada, Australia and USA maintain 220 to 280 police personnel per 100,000 population.⁸ India's ratio of 138 police personnel per one lakh of population was the fifth lowest among the 71 countries for which the UN collated these figures in 2013.⁹

Almost one-third of the sanctioned positions of prison officials are vacant across the country, which includes 33 per cent vacancy for supervisory staff. States like Chhattisgarh, Uttarakhand and Jharkhand have the most poorly staffed jails, recording over 60 per cent vacancies at the officer level. Uttarakhand also recorded the highest vacancies at the level of cadre staff, at 72 per cent.¹⁰

Privatization and subcontracting have emerged as preferred alternatives for several functions. In Bihar, for example, 13.6 per cent of the total allocation on salary by the law department in the budget for the

year 2019–2020 has been earmarked for contractual services. When it comes to prisons, Bihar's contract spend viewed over a period of 3 years hovers at 12 per cent.

Whether it is the judiciary, police or prisons, the lion's share of all expenditure goes towards salaries. This leaves very little for purchase of necessary items, maintenance of assets, new initiatives and important interventions like capacity building.

In nearly all the states the problem of budget inadequacy is juxtaposed with that of underutilization of available funds. A deeper analysis explains the paradox. For one, funds available under various schemes from the centre are typically earmarked for only very specific expenditures. For instance, modernization grants from the Ministry of Home Affairs to states can only be used for infrastructure, capacity building, repair and maintenance, etc. and cannot be used for resolving much-needed manpower requirements.¹¹ For another, the long-term underfunding that has created historic manpower shortages over a number of years leads to a situation in which the government apparatus finds itself incapable of adequately planning for, requesting, spending, monitoring and reporting on the completion of work for which money is, in fact, available.

In the case of Uttar Pradesh, for example, the Comptroller and Auditor General of India (CAG) highlighted¹² that between 2012 and 2016 the state utilized only 33 per cent of its allocated budget for the construction of courtrooms and residential buildings for judiciary. The CAG further mentioned ineffective monitoring by the government and the inability of the executing agencies to speed up the pace of work. Central funds under various centrally sponsored schemes (CSS) are often required to be matched by state contributions, which may not be available. In case the state is unable to provide

6 <http://www.cbgaia.org/wp-content/uploads/2019/01/Memorandum-on-Budgeting-for-Judiciary-in-India.pdf> (last accessed on 18 March 2019).

7 <http://doj.gov.in/sites/default/files/Rajya%20Sabha%20English%20Version%20New.pdf>

8 Siddharth Chatterjee and Shining Path, 'How to improve India's police: a roadmap', Firstpost.com, 28 March 2013.

9 <https://economictimes.indiatimes.com/news/defence/indias-ratio-of-138-police-personnel-per-lakh-of-population-fifth-lowest-among-71-countries/articleshow/48264737.cms?from=mdr/13> July 2018 (accessed on 18th March, 2019)

10 Detailed Demand for Grants, Ministry of Home, Govt. of Bihar, 2019-20 (<http://finance.bih.nic.in/Budget/Demandwise-Expenditure-Detail.pdf>)

11 Parliament of India, Rajya Sabha, Two Hundred First report. Demand for Grants (2017-18), Ministry of Home Affairs. Available at: <http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Home%20Affairs/201.pdf>

12 Usha Rani Das, 'Budget Allocation in Judiciary: Financially Strangled', IndiaLegalLive.com, 26 March 2018.

its matching share not only does the flow of funds from the centre get affected, but implementation on the ground is hampered as well. The condition to provide matching share for a number of CSSs also influences a state's prioritization for social sector spending, thereby defeating the purpose of increasing flexible funds to the state. For example, if a state wants to prioritize spending in a social sector which is not covered under the prominent CSSs, it would have to find resources after ensuring its matching share to the different CSSs, which substantially reduces the flexibility of fund utilization available to the state.

As for legal aid, India has about five legal aid lawyers per 1,00,000 population; the per capita public spending on legal aid is only Rs. 0.75 per annum.¹³ A major proportion of the funds for legal aid is spent on payment to lawyers and organizing Lok Adalats whereas the level of spending on legal aid clinics and persons in custody is limited.¹⁴

A CHRI study underscores the complex nature of issues relating to public spending on justice delivery, when it reports 14 per cent underutilization of even the inadequate funds allocated to state legal services authorities (SLSAs) for the year 2016-17.¹⁵

As this study, shows nine states and UTs used less than 50 per cent of the funds allotted to them by NALSA in 2017-2018: Chandigarh, Sikkim, Puducherry, Goa, Andaman and Nicobar, Meghalaya, Lakshadweep, Dadra and Nagar Haveli, and Daman and Diu.

Plausible reasons for the underutilization could be that, as of 2019, only 79 per cent of the district legal service authorities (DLSAs) had full-time secretaries to manage the delivery of legal-aid

services. Monitoring committees are mandated to review each case to ensure the quality of legal aid provided by lawyers; but of those that had responded to RTI requests, only 14 per cent of the committees had staff and 25 per cent maintained registers.¹⁶

The resource allocation for police fares no better, with most large and mid-sized states spending 3 to 5 per cent of their total budget on police.¹⁷ State outlays for police can, at best, only meet the establishment costs. Salary is the main component, accounting for almost 90 per cent of the total allocation.¹⁸ The residual amount covers costs of domestic travel, maintenance of motor vehicles and fuel costs. Police budgets barely provide for the operational expenses of running police stations, maintenance costs for computer systems, or capacity building of personnel etc. Funding under the Modernisation of Police Forces (MPF) Scheme covers some of these expenses, but even this is not adequate.

Will a significant increase in budget allocations for the sector be enough to address the problems?

A comprehensive multi-pronged strategy is necessary to address the challenges in justice delivery from the perspective of public finance. Enhanced resource allocation can be substantially achieved only if the fiscal space is expended by generating more revenue—especially tax-based revenue. As an interim measure, marginal increase in resource allocation can also be achieved by prioritizing justice delivery in union and state budgets.

However, one must bear in mind that even though

¹³ 'Hope Behind Bars? Status Report on Legal Aid for Persons in Custody', Commonwealth Human Rights Initiative, 2018, p. 60.

¹⁴ Ibid p.1.

¹⁵ Ibid p.60.

¹⁶ Ibid p.1.

¹⁷ <https://www.prsindia.org/theprsblog/modernisation-police-forces>, October, 2018 (accessed on 18th March, 2019)

¹⁸ <https://www.livemint.com/Opinion/DR8kPY8VKUDyMikR2OHUFM/Budgeting-for-the-police.html/April-2017> (accessed on 15th March, 2019)

enhancing allocations is necessary, it is not a panacea for the problems ailing this sector. Besides acute shortage of staff, there are other reasons for the underutilization of allocations provided, such as inadequate planning (resulting in poor estimation of needs), bottlenecks in the flow of funds and spending, and rigidity in financial norms and processes. Addressing these aspects in tandem with enhanced allocations can effectively address the fiscal problems in this sector. Improved transparency and accountability in planning, budgeting and spending is also an essential requirement to optimize public spending on the sector.

An overarching issue that has contributed to weak budgeting practices and underutilization of funds across various sectors in the country, including the access to justice sector, is the limited scope and

capacity for planning in the spending departments. A study of police departments' budgets, of various states, for example, underscores that need-based planning should be taken up and budgets should be aligned accordingly.¹⁹ The decentralized planning at the level of local self-government practiced in Kerala can serve as a useful example to other states as a starting point in this regard.

In the present scenario, budget allocations are predominantly decided by the finance departments that usually follow a process of incremental budgeting. Plans are made according to the expenditure ceilings prescribed by the finance ministry/department. The Budget circulars over the years of the Ministry of Finance that kick starts the budgeting process, for instance, begin with the direction that 'the basis of the final budgetary allocations will be the ceilings

Box 5: A 'model' idea: Decentralized planning in Kerala

Kerala presents a decentralized model of planning and implementation on an institutional basis. As a follow-up to the 73rd and 74th Constitutional Amendments (CA) brought in by the union, the model of decentralized governance introduced by Kerala is unique among the rest of the states. The CAs envisaged that the state governments decentralize a major portion of their governance activity and public service delivery to the local self-government institutions.

With the enactment of Kerala Panchayat Raj Act, 1994, the state government devolved twenty-six functions to the institution of local self-governance along with concomitant funds and functionaries. Thus, it brought governance closer to the people, ensuring accountability and transparency in governance.

The panchayats have been given the responsibility of development and management of different social and economic sectors. The local governments are responsible for the planning and implementation of poverty alleviation programmes as well as health, education and infrastructural development. The government has made postings to the panchayats, against the various functions it had devolved to its various levels.

The panchayats have also been given disciplinary control over their own staff and the transferred staff from other departments. The Act gives wide ranging autonomy to the panchayats to raise resources, plan for activities and execute developmental projects in the spheres devolved to them. The state government keeps aside one-third of its total budget for local self-governments. The state budget of Kerala has an exclusive window for the panchayats, giving details of the funds allocated to the local bodies under all the heads of accounts.

¹⁹ <https://www.livemint.com/Opinion/DR8kPY8VKUDyMikR2OHUfM/Budgeting-for-the-police.html/April 2017> (accessed on 15th March, 2019)

indicated in the MTEF (Medium Term Expenditure Framework) statements”.²⁰

Using the allocations indicated in the MTEF statement (including for Select Schemes), ministries decide the allocations in the SBE (statement of Budget Estimates) format and forward them to the Budget Division.²¹ As a result of this approach to fiscal policy, plans have started following budgets instead of it being the other way around. Notably, on average, around 70 per cent of a department’s allocation is used in meeting committed liabilities, such as payment of salaries and interest payment, etc. which leaves only around 30 per cent for spending on everything else.

The government’s (union and states’) priority

during the last few years has generally been infrastructure development and power, among others, justice delivery however, does not figure in the list. However, justice is the business of us all, the rule of law is critical in ensuring both social and economic growth, and sustainable development. The fiscal policy problems of the country’s justice delivery institutions need to be recognized and factored in appropriately in the advocacy agenda for the sector.

Subrat Das, Executive Director, Centre for Budget, Governance and Accountability
Asadullah, Programme Director, Centre for Budget, Governance and Accountability



²⁰ <https://dea.gov.in/sites/default/files/Budget%20Circular%202018-2019.pdf>

²¹ <https://economictimes.indiatimes.com/news/economy/policy/finmin-releases-timelines-for-submission-of-budget-proposals/articleshow/60501319.cms?from=mdr>

Conclusion

Conclusion

On the one hand the data on police, prisons, legal aid and the judiciary that the India Justice Report has brought together provides strong evidence that the whole system requires urgent repair. On the other hand, the segmentation of the data into budgets, human resources, infrastructure, workload and diversity helps to pinpoint areas of infirmity where quick improvements can be made with relative ease and have the real potential to cause knock on effects that will spur improvements down the line. We provide below seven 'nudges' that will stimulate change. These will assist each state in creating momentum for reform, improve its future ranking and more importantly improve access to justice for all.

Seven Nudges for a Great Leap Forward

Undertake a cost-benefit analysis that quantifies the cost of increasing human resources against the economic price of failing to address registered crime, disorder, incarceration and judicial delay caused by high workloads and inadequate manpower. Based on this analysis, fill vacancies on an urgent footing.

When filling vacancies (and otherwise), ensure that the representation of underrepresented groups such as women, SCs, OBCs, STs, and religious minorities is increased to assure that the make-up of the justice system reflects the diversity of the society it serves.

Increase the availability of justice services—access to and infrastructure in courts, police stations, legal aid clinics—in rural areas so as to reduce the present disparity in accessing justice that exists between rural and urban populations. This includes prioritizing the availability of trained lawyers and paralegals across poorly served areas.

Ensure budgetary allocations to every segment of the justice system (particularly judiciary and prisons) keep pace with increases in costs, are proportionate to increases elsewhere and do not fall disproportionately behind other allocations, as is evidenced in this report.

Each pillar must have open systems to periodically review performance; identify issues that must be tackled; arrive at short-term and long-term plans of action through a consultative process with experts and key stakeholders; closely monitor the implementation of the plan; and regularly report on the activities it undertakes.

Improve transparency all the way through the justice system by ensuring the publication of verified, disaggregated, accurate and timely data that is seamlessly serviceable for informing policy and practice across governance. At the outset, each cog of the criminal justice system can begin by visible and complete compliance to the obligation to pro-active disclosure under Section 4 of the Right to Information Act, 2005.

Ensure that periodic empirical research is sanctioned by the government to be undertaken in an independent manner, to study different facets of the justice system in India, to ensure a better informed, and evidence-based approach to policymaking.

Glossary

POLICE

BUDGETS

1. Modernisation fund used (%)

Formula:

$$\frac{\text{Central + state expenditure on modernisation}}{\text{Central + state allocation on modernisation}} * 100$$

Benchmark: 100%

Scoring guide: Higher, the better

Period/Date: 2016-17

Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 21 states, 1 UT

Notes: Expenditure data not available for Andhra Pradesh. State government contribution not available for Assam, Chhattisgarh, Himachal Pradesh, Madhya Pradesh and Sikkim. Both Central contribution and expenditure data not available for Meghalaya and all UTs (except Puducherry). Expenditure and state contribution figures not available for Manipur.

2. Spend on police per person (Rs)

Formula:

$$\frac{\text{Police expenditure}}{\text{State population}}$$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: 2011 (State population), 2015-16 (Police expenditure)

Data source: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India

Data availability: 29 states, 7 UTs

Notes: Police expenditure data of Madhya Pradesh and Uttarakhand

was sourced from Open Budgets India.

HUMAN RESOURCES

3. Constables, vacancy (%)

Formula:

$$100 - \left(\frac{\text{Actual Head Constables + Constables}}{\text{Sanctioned Head Constables + Constables}} * 100 \right)$$

Benchmark: 0%

Scoring guide: Lower, the better

Period/Date: 1 January 2017

Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 29 states, 7 UTs

4. Officers, vacancy (%)

Formula:

$$100 - \left(\frac{\text{Actual officer strength}}{\text{Sanctioned officer strength}} * 100 \right)$$

Benchmark: 0%

Scoring guide: Lower, the better

Period/Date: 1 January 2017

Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 29 states, 7 UTs

Notes: Officers comprise DGP/Spl DGP + Addl. DGP + IGP + DIG + AIGP/SSP/SP/COMN + Addl.SP/Dy. COMN + ASP/DY.SP. + Inspector + SI + ASI.

5. Officers in civil police (%)

Formula:

$$\frac{\text{Officers in civil police}}{\text{Total civil police}} * 100$$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: 1 January 2017

Data source: Data on Police Organizations, Bureau of Police

Research and Development (BPR&D), January 2017

Data availability: 29 states, 7 UTs

Notes: Civil police includes district armed reserve police. Officers comprise DGP/Spl DGP + Addl. DGP + IGP + DIG + AIGP/SSP/SP/COMN + Addl.SP/Dy. COMN + ASP/DY.SP. + Inspector + SI + ASI.

DIVERSITY

6. Share of women in police (%)

Formula:

$$\frac{\text{Women in police}}{\text{Total civil police}} * 100$$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: 1 January 2017

Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 29 states, 7 UTs

Notes: Civil police includes district armed reserve police.

7. Share of women in officers (%)

Formula:

$$\frac{\text{Women police officers}}{\text{Total police officers}} * 100$$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: 1 January 2017

Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 29 states, 7 UTs

Notes: Civil police includes district armed reserve police. Officers comprise DGP/Spl DG/ADGP + Additional DG. + IGP + DIG + AIGP/SS/SP/COM + ADLSP/Dy.COM + ASP/Dy SP/Asst.COM + Inspector + SA + ASI.

8. SC officers, actual to reserved ratio (%)

Formula:

$$\frac{\text{Actual Scheduled Caste (SC) officers}}{(\text{Sanctioned officer posts} * \text{SC reservation})} * 100$$

Benchmark: 100%

Scoring guide: Higher, the better

Period/Date: 1 January 2017

Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 26 states, 5 UTs

Notes: Officers comprise Inspector + Sub Inspector + Assistant Sub Inspector + Deputy Superintendent of Police. BPR&D shows 0 SC police in Nagaland and Arunachal Pradesh. For Arunachal Pradesh, Mizoram, Nagaland, Andaman & Nicobar Islands and Lakshadweep, BPR&D shows 0% reservation for SC police.

9. ST officers, actual to reserved ratio (%)

Formula:

$$\frac{\text{Actual Scheduled Tribe (ST) officers}}{(\text{Sanctioned officer posts} * \text{ST reservation})} * 100$$

Benchmark: 100%

Scoring guide: Higher, the better

Period/Date: 1 January 2017

Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 28 states, 5 UTs

Notes: Officers comprise Inspector + Sub Inspector + Assistant Sub Inspector + Deputy Superintendent of Police. BPR&D shows 0% reservation for Mizoram and Chandigarh. For Puducherry, data for ST police is not given and reservation is 0%.

10. OBC officers, actual to reserved ratio (%)

Formula:

$$\frac{\text{Actual Other Backward Classes (OBC) officers}}{(\text{Sanctioned officer posts} * \text{OBC reservation})} * 100$$

Benchmark: 100%

Scoring guide: Higher, the better

Period/Date: 1 January 2017

Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 25 states, 6 UTs

Notes: Officers comprise Inspector + Sub Inspector + Assistant Sub Inspector + Deputy Superintendent of Police. BPR&D shows 0% OBC reservation for Arunachal Pradesh, Mizoram, Tripura, Nagaland and Lakshadweep. For Tripura and Nagaland, data for OBC police is not given.

INFRASTRUCTURE

11. Population per police station (rural) (persons)

Formula:

$$\frac{\text{Rural population}}{\text{Rural police stations}}$$

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: 2011 (rural population), 1 January 2017 (rural police stations)

Data source: Primary Census Abstract, Census 2011; Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 29 states, 4 UTs

Notes: BPR&D shows 0 rural police stations for Chandigarh, Daman and Diu, and Delhi.

12. Population per police station (urban) (persons)

Formula:

$$\frac{\text{Urban population}}{\text{Urban police stations}}$$

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: 2011 (urban population), 1 January 2017 (urban police stations)

Data source: Primary Census Abstract, Census 2011; Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 28 states, 6 UTs

Notes: BPR&D shows 0 urban

police stations for Telangana and Lakshadweep.

13. Area per police station (rural) (sq km)

Formula:

$$\frac{\text{Rural area (sq km)}}{\text{Rural police stations}}$$

Benchmark: 150 sq km or less

(National Police Commission report 1981)

Scoring guide: Lower, the better

Period/Date: 2011 (rural area), 1 January 2017 (rural police stations)

Data source: Primary Census Abstract, Census 2011; Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 28 states, 4 UTs

Notes: BPR&D shows 0 rural police stations for Chandigarh, Daman & Diu, and Delhi. For Arunachal Pradesh, Primary Census Abstract doesn't give rural/urban area breakup.

14. Area per police station (urban) (sq km)

Formula:

$$\frac{\text{Urban area (sq km)}}{\text{Urban police stations}}$$

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: 2011 (urban area), 1 January 2017 (urban police stations)

Data source: Primary Census Abstract, Census 2011; Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017

Data availability: 28 states, 6 UTs

Notes: BPR&D shows 0 urban police stations for Telangana and Lakshadweep. For Arunachal Pradesh, Primary Census Abstract doesn't give rural/urban area breakup.

WORKLOAD

15. Population per civil police (persons)

Formula:

$$\frac{\text{State population}}{\text{Total civil police}}$$

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: 2011 (state population), 1 January 2017 (total civil police)
Data source: Primary Census Abstract, Census 2011; Data on Police Organizations, Bureau of Police Research and Development (BPR&D), January 2017
Data availability: 29 states, 7 UTs
Notes: Civil police includes district armed reserve police.

TRENDS

16. Women in total police (percentage points)

Formula:
 Women in total police – X

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$
2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$

5-year average (a,b,c,d,e)

Benchmark: Not available
Scoring guide: Higher, the better
Period/Date: Calendar year 2012 to 2016
Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D)
Data availability: 27 states, 7 UTs
Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately.

17. Women officers in total officers (percentage points)

Formula:
 Women officers in total officers – X

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$
2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$

5-year average (a,b,c,d,e)

Benchmark: Not available
Scoring guide: Higher, the better
Period/Date: Calendar year 2012 to 2016
Data source: Data on Police

Organizations, Bureau of Police Research and Development (BPR&D)
Data availability: 27 states, 7 UTs
Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately.

18. Constable vacancy (percentage points)

Formula:
 Constable vacancy – X

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$
2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$

5-year average (a,b,c,d,e)

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: Calendar year 2012 to 2016
Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D)
Data availability: 27 states, 7 UTs
Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately.

19. Officer vacancy (percentage points)

Formula:
 Officer vacancy – X

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$
2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$

5-year average (a,b,c,d,e)

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: Calendar year 2012 to 2016
Data source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D)
Data availability: 27 states, 7 UTs
Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately.

20. Difference in spend: police vs state (percentage points)

Formula:
 [5-year annual average of police expenditure (PE) – 5-year annual average of state expenditure (SE)]

2010-11	PE = X1	
2011-12	X2	$((X2/X1)-1)*100 = a$
2012-13	X3	$((X3/X2)-1)*100 = b$
2013-14	X4	$((X4/X3)-1)*100 = c$
2014-15	X5	$((X5/X4)-1)*100 = d$
2015-16	X6	$((X6/X5)-1)*100 = e$

PE = Average (a,b,c,d,e)
 SE = Average (a,b,c,d,e)

2010-11	SE = X1	
2011-12	X2	$((X2/X1)-1)*100 = a$
2012-13	X3	$((X3/X2)-1)*100 = b$
2013-14	X4	$((X4/X3)-1)*100 = c$
2014-15	X5	$((X5/X4)-1)*100 = d$
2015-16	X6	$((X6/X5)-1)*100 = e$

Benchmark: Greater than zero
Scoring guide: Higher, the better
Period/Date: Financial year 2011-12 to 2015-16
Data source: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Open Budgets India
Data availability: 29 states, 6 UTs
Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately. Revenue and capital expenditure for police was not available for 2010-11, and revenue expenditure for police was not available for 2015-16. Madhya Pradesh and Uttarakhand's police expenditure data was sourced from Open Budgets India.

PRISONS

BUDGETS

1. Spend per inmate (Rs)

Formula:
 Prison expenditure
 Total inmates

Benchmark: Not available
Scoring guide: Higher, the better
Period/Date: 2016-17
Data source: Prison Statistics India, 2016
Data availability: 29 states, 7 UTs
Notes: PSI shows 0 prison expenditure for Lakshadweep.

2. Prison budget utilised (%)

Formula:

$$\frac{\text{Prison expenditure}}{\text{Prison budget}} * 100$$

Benchmark: 100%
Scoring guide: Higher, the better
Period/Date: 2016-17
Data source: Prison Statistics India, 2016
Data availability: 29 states, 7 UTs.
Notes: PSI shows 0 prison expenditure for Lakshadweep.

HUMAN RESOURCES

3. Officers, vacancy (%)

Formula:

$$100 - \left(\frac{\text{Actual prison officers}}{\text{Sanctioned prison officers}} * 100 \right)$$

Benchmark: 0%
Scoring guide: Lower, the better
Date: 31 December 2016
Data source: Prison Statistics India, 2016
Data availability: 29 states, 7 UTs
Notes: Officers comprise the following ranks: DG/ADDL.IG/IG/ DIG.AIG/Superintendent + Deputy Superintendent/Jailor/Deputy Jailor/Assistant Jailor/Assistant Superintendent + Others. PSI shows 0 prison officers for Dadra & Nagar Haveli and Lakshadweep.

4. Cadre staff, vacancy (%)

Formula:

$$100 - \left(\frac{\text{Actual cadre staff}}{\text{Sanctioned cadre staff}} * 100 \right)$$

Benchmark: 0%
Scoring guide: Lower, the better
Date: 31 December 2016
Data source: Prison Statistics India, 2016
Data availability: 29 states, 7 UTs

Notes: Cadre comprise the following ranks: Head Warders/Head Matron + Warder/Matron + Others. PSI shows 0 cadre staff for Dadra & Nagar Haveli and Lakshadweep.

5. Correctional staff, vacancy (%)

Formula:

$$100 - \left(\frac{\text{Actual correctional staff}}{\text{Sanctioned correctional staff}} * 100 \right)$$

Benchmark: 0%
Scoring guide: Lower, the better
Period/Date: 31 December 2016
Data source: Prison Statistics India, 2016
Data availability: 29 states, 7 UTs
Notes: Cadre comprise the following: Probation Officer/Welfare Officer + Psychologists/Psychiatrists + Social Worker/Others). PSI shows 0 correctional staff for Andaman & Nicobar Islands, Andhra Pradesh, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Goa, Haryana, Lakshadweep, Manipur, Meghalaya, Puducherry, Sikkim and Telangana.

6. Medical staff, vacancy (%)

Formula:

$$100 - \left(\frac{\text{Actual medical staff}}{\text{Sanctioned medical staff}} * 100 \right)$$

Benchmark: 0%
Scoring guide: Lower, the better
Period/Date: 31 December 2016
Data source: Prison Statistics India, 2016
Data availability: 29 states, 7 UTs
Notes: Medical staff comprises Resident Medical Officer/Medical Officer + Pharmacists + Lab Technician/Lab Attendant + Other Medical Staff. PSI shows 0 sanctioned medical staff for Sikkim, and 0 actual medical staff for Dadra & Nagar Haveli, Daman & Diu and Lakshadweep.

7. Medical officers, vacancy (%)

Formula:

$$100 - \left(\frac{\text{Actual resident medical officer and medical officer}}{\text{Sanctioned resident medical officer and medical officer}} * 100 \right)$$

Benchmark: 0%
Scoring guide: Lower, the better

Period/Date: 31 December 2016
Data source: Prison Statistics India, 2016
Data availability: 29 states, 7 UTs
Notes: PSI shows 0 sanctioned medical officers for Sikkim, and 0 actual medical officers for Dadra & Nagar Haveli, Daman & Diu and Lakshadweep.

DIVERSITY

8. Women in prison staff (%)

Formula:

$$\frac{\text{Women prison staff}}{\text{Total prison staff}} * 100$$

Benchmark: Not available
Scoring guide: Higher, the better
Period/Date: 31 December 2016
Data source: Prison Statistics India, 2016
Data availability: 29 states, 5 UTs
Notes: PSI shows 0 women staff for Dadra & Nagar Haveli, and Lakshadweep.

INFRASTRUCTURE

9. Prison occupancy (%)

Formula:

$$\frac{\text{Inmate population}}{\text{Total Available prison capacity}} * 100$$

Benchmark: Below 100%
Scoring guide: Lower, the better
Period/Date: 31 December 2016
Data source: Prison Statistics India, 2016
Data availability: 29 states, 7 UTs

WORKLOAD

10. Inmates per officer (persons)

Formula:

$$\frac{\text{Inmate population}}{\text{Officer}}$$

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: 31 December 2016
Data source: Prison Statistics India, 2016
Data availability: 29 states, 7 UTs

Notes: Officer comprises Superintendent + Deputy Superintendent + Assistant Superintendent + Jailor + Deputy Jailor + Assistant Jailor + Other Officers. PSI shows 0 officer staff for Dadra & Nagar Haveli and Lakshadweep.

11. Inmates per cadre staff (persons)

Formula:

Inmate population

Cadre staff

Benchmark: Up to 6

Scoring guide: Lower, the better

Period/Date: 31 December 2016

Data source: Prison Statistics India, 2016

Data availability: 29 states, 7 UTs

Notes: Cadre staff comprises Head Warders/Head Matron + Warder/Matron + Others. PSI shows 0 cadre staff for Dadra & Nagar Haveli and Lakshadweep.

12. Inmates per correctional staff (persons)

Formula:

Inmate population

Correctional staff

Benchmark: Not available

Scoring guide: Lower, the better

Data source: Prison Statistics India, 2016

Data availability: 29 states, 7 UTs

Notes: Correctional staff comprises Probation officer/Welfare Officer + Psychologists/Psychiatrists + Social Worker/Others). PSI shows 0 correctional staff for Andhra Pradesh, Andaman & Nicobar Islands, Arunachal Pradesh, Assam, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Goa, Haryana, Lakshadweep, Manipur, Meghalaya, Puducherry, Punjab, Sikkim, Telangana and Tripura.

TRENDS

13. Officer vacancy (percentage points)

Formula:

Officer vacancy (%) – X

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$

2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$
5-year average (a,b,c,d,e)		

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: Calendar year 2012 to 2016

Data source: Prison Statistics of India

Data availability: 27 states, 6 UTs

Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately. PSI shows 0 officers in Dadra & Nagar Haveli for 3 of 5 years considered for trends. PSI shows 0 for all prison staff in Lakshadweep.

14. Cadre staff vacancy (percentage points)

Formula:

Cadre staff vacancy (%) – X

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$
2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$
5-year average (a,b,c,d,e)		

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: Calendar year 2012 to 2016

Data source: Prison Statistics of India

Data availability: 27 states, 6 UTs

Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately. PSI shows 0 cadre staff in Dadra & Nagar Haveli for 3 of 5 years considered for trends. PSI shows 0 for all prison staff in Lakshadweep.

15. Share of women in prison staff (percentage points)

Formula:

Share of women in prison staff (%) = X

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$
2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$

5-year average (a,b,c,d,e)

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: Calendar year 2012 to 2016

Data source: Prison Statistics of India

Data availability: 27 states, 5 UTs

Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately. PSI shows 0 women for Dadra & Nagar Haveli and Lakshadweep.

16. Inmates per prison officer (%)

Formula:

Inmates per prison officer = X

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$
2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$
5-year average (a,b,c,d,e)		

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: Calendar year 2012 to 2016

Data source: Prison Statistics of India

Data availability: 27 states, 5 UTs

Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately. PSI shows 0 officers in Dadra & Nagar Haveli for 3 of 5 years considered for trends. PSI shows 0 for all prison staff in Lakshadweep.

17. Inmates per cadre staff (%)

Formula:

Inmates per cadre staff = X

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$
2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$
5-year average (a,b,c,d,e)		

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: Calendar year 2012 to 2016

Data source: Prison Statistics of India

Data availability: 27 states, 5 UTs

Notes: Andhra Pradesh and Telangana

are not included in trends as 5-year data for these states was not available separately. PSI shows 0 cadre staff in Dadra & Nagar Haveli for 3 of 5 years considered for trends. PSI shows 0 for all prison staff in Lakshadweep.

18. Share of undertrial prisoners (percentage points)

Formula:

Share of UTPs (%) (X) = (UTPs/total inmates*100)

2011	X1	
2012	X2	$((X2/X1)-1)*100 = a$
2013	X3	$((X3/X2)-1)*100 = b$
2014	X4	$((X4/X3)-1)*100 = c$
2015	X5	$((X5/X4)-1)*100 = d$
2016	X6	$((X6/X5)-1)*100 = e$
5-year average (a,b,c,d,e)		

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: Calendar year 2012 to 2016

Data source: Prison Statistics of India

Data availability: 27 states, 7 UTs

Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately.

19. Spend per inmate (%)

Formula:

Spend per inmate = X

2011-12	X1	
2012-13	X2	$((X2/X1)-1)*100 = a$
2013-14	X3	$((X3/X2)-1)*100 = b$
2014-15	X4	$((X4/X3)-1)*100 = c$
2015-16	X5	$((X5/X4)-1)*100 = d$
2016-17	X6	$((X6/X5)-1)*100 = e$
5-year average (a,b,c,d,e)		

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: Financial year 2012-13 to 2016-17

Data source: Prison Statistics of India

Data availability: 27 states, 7 UTs

Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately.

20. Prison budget used (percentage points)

Formula:

Budget used = X

2011-12	X1	
---------	----	--

2012-13	X2	$((X2/X1)-1)*100 = a$
2013-14	X3	$((X3/X2)-1)*100 = b$
2014-15	X4	$((X4/X3)-1)*100 = c$
2015-16	X5	$((X5/X4)-1)*100 = d$
2016-17	X6	$((X6/X5)-1)*100 = e$
5-year average (a,b,c,d,e)		

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: Financial year 2012-13 to 2016-17

Data source: Prison Statistics of India

Data availability: 27 states, 7 UTs

Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately.

21. Difference in spend: prisons vs state (percentage points)

Formula: [5-year annual average of prisons expenditure (PE) – 5-year annual average of state expenditure (SE)]

2010-11	PE = X1	
2011-12	X2	$((X2/X1)-1)*100 = a$
2012-13	X3	$((X3/X2)-1)*100 = b$
2013-14	X4	$((X4/X3)-1)*100 = c$
2014-15	X5	$((X5/X4)-1)*100 = d$
2015-16	X6	$((X6/X5)-1)*100 = e$
PE = Average (a,b,c,d,e)		

2010-11	SE = X1	
2011-12	X2	$((X2/X1)-1)*100 = a$
2012-13	X3	$((X3/X2)-1)*100 = b$
2013-14	X4	$((X4/X3)-1)*100 = c$
2014-15	X5	$((X5/X4)-1)*100 = d$
2015-16	X6	$((X6/X5)-1)*100 = e$
SE = Average (a,b,c,d,e)		

Benchmark: Greater than zero

Scoring guide: Higher, the better

Period/Date: Financial year 2011-12 to 2015-16

Data source: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Prison Statistics of India
Data availability: 27 states, 6 UTs

Notes: Andhra Pradesh and Telangana are not included in trends as 5-year data for these states was not available separately. For Andaman & Nicobar Islands, 4-year trend has been taken as 2010-11 state expenditure data was not available.

JUDICIARY

BUDGETS

1. Per capita spend on judiciary (Rs)

Formula:

Judiciary expenditure (Rs)

State Population

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: 2011 (population), 2015-16 (judiciary expenditure)

Data source: Primary Census Abstract, Census 2011; Combined Finance and Revenue Accounts of the Union and State Governments in India for 2015-16, Comptroller and Auditor General of India

Data availability: 29 states, 2 UTs

HUMAN RESOURCES

2. Population per High Court judge (Persons)

Formula:

State Population

High Court judges

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: 2011 (population), 2016-17 (High Court judges)

Data source: Primary Census Abstract, Census 2011; Court News, Supreme Court of India

Data availability: 29 states, 7 UTs

Notes: Population of states and UTs that share a High Court have been combined, and hence they share the same value. These are Kerala and Lakshadweep; West Bengal and Andaman & Nicobar Islands; Punjab, Haryana and Chandigarh; Andhra Pradesh and Telangana; Assam, Mizoram, Nagaland and Arunachal Pradesh; Maharashtra, Goa, Dadra & Nagar Haveli, Daman & Diu; Tamil Nadu and Puducherry.

3. Population per subordinate court judge (Persons)

Formula:

State Population

Subordinate court judges

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: 2011 (State population), 2016-17 (Subordinate court judges)
Data source: Primary Census Abstract, Census 2011; Court News, Supreme Court of India
Data availability: 29 states, 7 UTs
Notes: Court News gives combined figures for subordinate courts of Andhra Pradesh and Telangana; West Bengal and Andaman & Nicobar Islands; and Dadra & Nagar Haveli and Daman & Diu. Hence, their populations are combined, and they share the same value.

4. High Court judge vacancy (%)

Formula:

$$100 - \left(\frac{\text{Working High Court Judges}}{\text{Sanctioned High Court judges}} \right) * 100$$

Benchmark: 0%

Scoring guide: Lower, the better

Period/Date: 2016-17

Data source: Court News, Supreme Court of India

Data availability: 29 states, 7 UTs

5. Subordinate court judge vacancy (%)

Formula:

$$100 - \left(\frac{\text{Working subordinate court judges}}{\text{Sanctioned subordinate court judges}} \right) * 100$$

Benchmark: 0%

Scoring guide: Lower, the better

Period/Date: 2016-17

Data source: Court News, Supreme Court of India

Data availability: 29 states, 7 UTs

6. High Court staff vacancy (% , 2016-17)

Formula:

$$100 - \left(\frac{\text{Working High Court staff}}{\text{Sanctioned High Court staff}} \right) * 100$$

Benchmark: 0%

Scoring guide: Lower, the better

Period/Date: 2016-17

Data source: Court News, Supreme

Court of India

Data availability: 29 states, 7 UTs

DIVERSITY

7. Women judges (High Court) (%)

Formula:

$$\frac{\text{Women High Court judges}}{\text{Total High Court judges}} * 100$$

Benchmark: Not available

Scoring guide: Higher, the better

Date: June 2018

Data source: Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy

Data availability: 29 states, 7 UTs

8. Women judges (subordinate court) (%)

Formula:

$$\frac{\text{Women subordinate court judges}}{\text{Total subordinate court judges}} * 100$$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: July 2017

Data source: Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy

Data availability: 28 states, 6 UTs.

Data was not available for Arunachal Pradesh and Lakshadweep

INFRASTRUCTURE

9. Courthall shortfall (%)

Formula:

$$100 - \left(\frac{\text{Number of courthalls}}{\text{Sanctioned subordinate court judges}} \right) * 100$$

Benchmark: 0%

Scoring guide: Lower, the better

Period/Date: March 2018 (courthalls), 2016-17 (judges)

Data source: Department of Justice (courthalls); Court News, Supreme Court of India (judges)

Data availability: 26 states, 4 UTs

Notes: Court News gives combined figures for subordinate court judges of Andhra Pradesh and Telangana, West Bengal and Andaman & Nicobar Islands; and Dadra & Nagar Haveli and

Daman & Diu. Hence, these states and UTs are excluded from the ranking.

WORKLOAD

10. Cases pending (5-10 years) (subordinate court) (%)

Formula:

$$\frac{\text{Cases pending for 5-10 years in subordinate courts}}{\text{Total cases pending in subordinate courts}} * 100$$

Total cases pending in subordinate courts

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: 23 August 2018

Data source: Data from National

Judicial Data Grid scraped by Daksh

Data availability: 27 states, 7 UTs. Data not available for Arunachal Pradesh and Nagaland.

11. Cases pending (10+ years) (subordinate court) (%)

Formula:

$$\frac{\text{Subordinate court cases pending for above 10 years}}{\text{Total cases pending in subordinate courts}} * 100$$

Total cases pending in subordinate courts

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: 23 August 2018

Data source: Data from National

Judicial Data Grid scraped by Daksh

Data availability: 27 states, 7 UTs. Data not available for Arunachal Pradesh and Nagaland

12. Average High Court pendency (years)

Formula:

For each pending case in High Court:
 (As on 19 September 2017 – Date of case filed) = Case pending for X days
 $X_n = \text{Sum of X days for each case pending in a state}$
 $n = \text{total pending cases}$
 Average pendency in High Court (years) =

$$\frac{(X_1 + X_2 + X_3 + \dots + X_n)}{n} * 12/365$$

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: 19 September 2017
Data source: eCourt India Services; Approaches to Justice in India: A Report by DAKSH
Data availability: 29 states, 7 UTs

13. Average subordinate court pendency (years)

Formula:

For each pending case in subordinate courts
 (As on 29 Aug 2017 – Date of case filed)
 = Case pending for X days

X_n = Sum of X days for each case pending in a state
 n = total pending cases
 Average pendency in subordinate courts (years) =

$$\frac{(X_1+X_2+X_3+\dots+X_n)}{n} * 12/365$$

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: 29 August 2017
Data source: eCourt India Services; Approaches to Justice in India: A Report by DAKSH
Data availability: 28 states, 5 UTs. Due to paucity of data, Arunachal Pradesh, Chandigarh and Lakshadweep were not considered.

14. Case clearance rate (High Court) (%)

Formula:

High Court cases disposed (civil + criminal)

$$\frac{\text{High Court cases disposed (civil + criminal)}}{\text{High Court cases filed (civil + criminal)}} * 100$$

Benchmark: 100%
Scoring guide: Higher, the better
Period/Date: 2016-17
Data source: Court News, Supreme Court of India
Data availability: 29 states, 7 UTs

15. Case clearance rate (subordinate court) (%)

Formula:

Subordinate court cases disposed (civil + criminal)

$$\frac{\text{Subordinate court cases disposed (civil + criminal)}}{\text{Subordinate court cases filed (civil + criminal)}} * 100$$

Benchmark: 100%

Scoring guide: Higher, the better
Period/Date: 2016-17
Data source: Court News, Supreme Court of India
Data availability: 29 states, 7 UTs

TRENDS

16. Cases pending (per High Court judge) (%)

Formula:

Cases pending (High Court judge) – X

2011-12	X1	
2012-13	X2	$((X_2/X_1)-1)*100 = a$
2013-14	X3	$((X_3/X_2)-1)*100 = b$
2014-15	X4	$((X_4/X_3)-1)*100 = c$
2015-16	X5	$((X_5/X_4)-1)*100 = d$
2016-17	X6	$((X_6/X_5)-1)*100 = e$

5-year average (a,b,c,d,e)

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: Financial year 2012-13 to 2016-17
Data source: Court News, Supreme Court of India
Data availability: 29 states, 7 UTs
Notes: For Manipur, Meghalaya and Tripura, data was not available for 2011-12. Hence, a 4-year trend has been computed for them.

17. Cases pending (per subordinate court judge) (%)

Formula:

Cases pending (subordinate court judge) – X

2011-12	X1	
2012-13	X2	$((X_2/X_1)-1)*100 = a$
2013-14	X3	$((X_3/X_2)-1)*100 = b$
2014-15	X4	$((X_4/X_3)-1)*100 = c$
2015-16	X5	$((X_5/X_4)-1)*100 = d$
2016-17	X6	$((X_6/X_5)-1)*100 = e$

5-year average (a,b,c,d,e)

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: Financial year 2012-13 to 2016-17
Data source: Court News, Supreme Court of India
Data availability: 29 states, 7 UTs

18. Total cases pending (High Court) (%)

Formula:

Average High Court pending cases

(civil + criminal) – X

2011-12	X1	
2012-13	X2	$((X_2/X_1)-1)*100 = a$
2013-14	X3	$((X_3/X_2)-1)*100 = b$
2014-15	X4	$((X_4/X_3)-1)*100 = c$
2015-16	X5	$((X_5/X_4)-1)*100 = d$
2016-17	X6	$((X_6/X_5)-1)*100 = e$

5-year average (a,b,c,d,e)

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: Financial year 2012-13 to 2016-17
Data source: Court News, Supreme Court of India
Data availability: 29 states, 7 UTs
Notes: For Manipur, Meghalaya and Tripura, data was not available for 2011-12. Hence, a 4-year trend has been computed for them.

19. Total cases pending (subordinate court) (%)

Formula:

Average subordinate court pending cases (civil + criminal) – X

2011-12	X1	
2012-13	X2	$((X_2/X_1)-1)*100 = a$
2013-14	X3	$((X_3/X_2)-1)*100 = b$
2014-15	X4	$((X_4/X_3)-1)*100 = c$
2015-16	X5	$((X_5/X_4)-1)*100 = d$
2016-17	X6	$((X_6/X_5)-1)*100 = e$

5-year average (a,b,c,d,e)

Benchmark: Not available
Scoring guide: Lower, the better
Period/Date: Financial year 2012-13 to 2016-17
Data source: Court News, Supreme Court of India
Data availability: 29 states, 7 UTs

20. Judge vacancy (High Court) (percentage points)

Formula:

Judge vacancy =

$$100 - \left(\frac{\text{Working High Court Judges}}{\text{Sanctioned High Court judges}} * 100 \right)$$

Judge vacancy (High Court) – X

2011-12	X1	
2012-13	X2	$((X_2/X_1)-1)*100 = a$
2013-14	X3	$((X_3/X_2)-1)*100 = b$
2014-15	X4	$((X_4/X_3)-1)*100 = c$
2015-16	X5	$((X_5/X_4)-1)*100 = d$

2016-17 X6 $\frac{((X6/X5)-1)*100}{5}$ = e
5-year average (a,b,c,d,e)

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: Financial year 2012-13 to 2016-17

Data source: Court News, Supreme Court of India

Data availability: 29 states, 7 UTs

Notes: For Manipur, Meghalaya and Tripura, data was not available for 2011-12. Hence, a 4-year trend has been computed for them.

21. Judge vacancy (subordinate court) (percentage points)

Formula:

Judge vacancy (X) =
Working Subordinate Court Judges
 $100 - \left(\frac{\text{Sanctioned Subordinate Court judges}}{\text{Total Judges}} \right) * 100$

2011-12	X1	
2012-13	X2	$\frac{((X2/X1)-1)*100}{5}$ = a
2013-14	X3	$\frac{((X3/X2)-1)*100}{5}$ = b
2014-15	X4	$\frac{((X4/X3)-1)*100}{5}$ = c
2015-16	X5	$\frac{((X5/X4)-1)*100}{5}$ = d
2016-17	X6	$\frac{((X6/X5)-1)*100}{5}$ = e

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: Financial year 2012-13 to 2016-17

Data source: Court News, Supreme Court of India

Data availability: 29 states, 7 UTs

22. Case clearance rate (High Court) (percentage points)

Formula:

Case clearance rate (X) =
High Court cases disposed (civil + criminal)
 $\frac{\text{High Court cases filed (civil + criminal)}}{\text{Total cases}} * 100$

2011-12	X1	
2012-13	X2	$\frac{((X2/X1)-1)*100}{5}$ = a
2013-14	X3	$\frac{((X3/X2)-1)*100}{5}$ = b
2014-15	X4	$\frac{((X4/X3)-1)*100}{5}$ = c
2015-16	X5	$\frac{((X5/X4)-1)*100}{5}$ = d
2016-17	X6	$\frac{((X6/X5)-1)*100}{5}$ = e

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: Financial year 2012-13 to 2016-17

Data source: Court News, Supreme Court of India

Data availability: 29 states, 7 UTs

Notes: For Manipur, Meghalaya and Tripura, data was not available for 2011-12. Hence, a 4-year trend has been computed for them.

23. Case clearance rate (subordinate court) (percentage points)

Formula:

Case clearance rate (X) =
Subordinate court cases disposed (civil + criminal)
 $\frac{\text{Subordinate court cases filed (civil + criminal)}}{\text{Total cases}} * 100$

2011-12	X1	
2012-13	X2	$\frac{((X2/X1)-1)*100}{5}$ = a
2013-14	X3	$\frac{((X3/X2)-1)*100}{5}$ = b
2014-15	X4	$\frac{((X4/X3)-1)*100}{5}$ = c
2015-16	X5	$\frac{((X5/X4)-1)*100}{5}$ = d
2016-17	X6	$\frac{((X6/X5)-1)*100}{5}$ = e

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: Financial year 2012-13 to 2016-17

Data source: Court News, Supreme Court of India

Data availability: 29 states, 7 UTs

24. Difference in spend: judiciary vs state (percentage points)

Formula: [5-year annual average of judiciary expenditure (JE)] - [(5-year annual average of state expenditure (SE))]

2010-11	JE = X1	
2011-12	X2	$\frac{((X2/X1)-1)*100}{5}$ = a
2012-13	X3	$\frac{((X3/X2)-1)*100}{5}$ = b
2013-14	X4	$\frac{((X4/X3)-1)*100}{5}$ = c
2014-15	X5	$\frac{((X5/X4)-1)*100}{5}$ = d
2015-16	X6	$\frac{((X6/X5)-1)*100}{5}$ = e

PE = Average (a,b,c,d,e)

2010-11	SE = X1	
2011-12	X2	$\frac{((X2/X1)-1)*100}{5}$ = a
2012-13	X3	$\frac{((X3/X2)-1)*100}{5}$ = b
2013-14	X4	$\frac{((X4/X3)-1)*100}{5}$ = c
2014-15	X5	$\frac{((X5/X4)-1)*100}{5}$ = d
2015-16	X6	$\frac{((X6/X5)-1)*100}{5}$ = e

SE = Average (a,b,c,d,e)

Benchmark: Greater than zero

Scoring guide: Higher, the better

Period/Date: Financial year 2011-12 to 2015-16

Data source: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India

Data availability: 29 states, 2 UTs

Notes: Judiciary expenditure data was not available for Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu, Chandigarh and Lakshadweep.

LEGAL AID

BUDGETS

1. NALSA fund utilised (%)

Formula:

NALSA funds utilised
 $\frac{\text{NALSA funds utilised}}{\text{NALSA funds utilised + unutilised}} * 100$

Benchmark: 100%

Scoring guide: Higher, the better

Period/Date: 2017-18

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

2. State's share in legal aid spend (%)

Formula:

Allocation by state for legal aid
 $\frac{\text{Allocation by state for legal aid + Expenditure from NALSA funds}}{\text{Total}} * 100$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: 2017-18

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

Note: State's share comprises budget allocation from the state government for administrative functions (including salaries, infrastructure, etc) and grants released by the state government to the State Legal Aid Fund to carry out legal services programmes under Section 16 (1) (b) of the Legal Services Authorities Act, 1987.

HUMAN RESOURCES

3. DLSA secretary vacancy (%)

Formula:

Actual DLSA secretaries
 $100 - \frac{\text{Sanctioned DLSA secretaries}}{\text{Total sanctioned DLSAs}} * 100$

Benchmark: 0%

Scoring guide: Lower, the better

Period/Date: 2019

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

Note: DLSA is District Legal Services Authority

4. PLVs per lakh population (persons)

Formula:

Para legal volunteers (PLVs)
 $\frac{\text{Para legal volunteers (PLVs)}}{\text{State population}}$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: January 2019

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

5. Sanctioned secretaries as % of DLSAs (%)

Formula:

Sanctioned DLSA secretaries
 $\frac{\text{Sanctioned DLSA secretaries}}{\text{Total sanctioned DLSAs}} * 100$

Benchmark: 100%

Scoring guide: Higher, the better

Period/Date: 2019

Data source: National Legal Services Authority

Data availability: 29 states, 7 UTs

Note: DLSA is District Legal Services Authority

DIVERSITY

6. Women panel lawyers (%)

Formula:

Women panel lawyers
 $\frac{\text{Women panel lawyers}}{\text{Total panel lawyers}} * 100$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: January 2019

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

7. Women PLVs (%)

Formula:

Women para legal volunteers (PLVs)
 $\frac{\text{Women para legal volunteers (PLVs)}}{\text{Total para legal volunteers}} * 100$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: January 2019

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

INFRASTRUCTURE

8. DLSAs as % of state judicial districts (%)

Formula:

Total DLSAs
 $\frac{\text{Total DLSAs}}{\text{Judicial districts}} * 100$

Benchmark: 100%

Scoring guide: Higher, the better

Period/Date: 2019

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

Note: DLSA is District Legal Services Authority

9. Villages per legal services clinic (number)

Formula:

Inhabited villages
 $\frac{\text{Inhabited villages}}{\text{Legal service clinics in villages}}$

Benchmark: Not available

Scoring guide: Lower, the better

Period/Date: 2011 (villages), 2017-18 (legal service clinics)

Data source: Primary Census Abstract, Census 2011; National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

Note: Andaman & Nicobar Islands, Arunachal Pradesh, Delhi and Lakshadweep did not have any legal service clinics in villages.

10. Legal services clinic per jail (number)

Formula:

Legal service clinics in jails
 $\frac{\text{Legal service clinics in jails}}{\text{Total jails}}$

Benchmark: 1 per jail

Scoring guide: Higher, the better

Period/Date: December 2016 (total jails), 2017-18 (legal service clinics)

Data source: Prison Statistics India, 2016; National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

WORKLOAD

11. PLA cases: settled as % of received (%)

Formula:

Cases settled by Permanent Lok Adalats (PLAs)
 $\frac{\text{Cases settled by Permanent Lok Adalats (PLAs)}}{\text{Cases received by Permanent Lok Adalats}} * 100$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: 2017-18

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

12. Total Lok Adalats: Share of pre-litigation cases in disposed cases (%)

Formula:

Pre-litigation cases disposed by Lok Adalats
 $\frac{\text{Pre-litigation cases disposed by Lok Adalats}}{\text{Total cases disposed by Lok Adalats}} * 100$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: 2017-18

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

Notes: Lok Adalats comprise National Lok Adalats and those run by State Legal Services Authorities (SLSAs)

13. SLSA Lok Adalats: Pre-litigation cases disposed as % of total cases taken up (%)

Formula:

Pre-litigation cases disposed by State Legal Services Authority (SLSA)
 $\frac{\text{Pre-litigation cases disposed by State Legal Services Authority (SLSA)}}{\text{Total cases taken up by State Legal Services Authority (SLSA)}} * 100$

Benchmark: Not available

Scoring guide: Higher, the better

Period/Date: 2017-18

Data source: National Legal Services Authority (NALSA)

Data availability: 29 states, 7 UTs

References

India Justice Report

1. The Armed Forces (Special Powers) Act, 1958
2. *Extra-Judicial Execution Victim Families Association v. Union of India* (2016) 14 SCC 578 (2)
3. Sheikh Saaliq and Rishika Pardikar, '11 Years, 108 Probes and Zero Prosecutions: In Kashmir, Justice Remains a Long Forgotten Prospect', *News18*, 23 April 2019
4. 'NHRC calls for report on the "Disappearances" in the Kashmir Valley', National Human Rights Commission, India
5. Nagaland still carries the legacy of violence' *Morung Express*, 25 April 2017
6. Shashwati Das, 'Jammu & Kashmir tops list on rights abuses under AFSPA, Assam second', *LiveMint*, 29 July 2017
7. *Extra Judicial Execution Victim Families Association (EEVFAM) & Anr. vs. Union of India & Anr.* Writ Petition (Criminal) No. 129/2012
8. Universal Declaration for Human Rights, 1948
9. International Covenant for Civil and Political Rights, 1966
10. Right to Information Act, 2005
6. Nikita, 'Understanding VIP Security in India', *LiveMint*, 9 July 2015
7. Padmanabhaiah Committee on Police Reforms, 2000
8. Kamal Kumar, IPS (Retd.), 'National Requirement of Manpower for 8-Hour Shift in Police Station', ASCI Hyderabad, 2014
9. 'Office Memorandum, Advisory on Crime against Women F.No.15011/48/2009-SC/ST-W', Ministry of Home Affairs, 4 September 2009
10. National Crime Records Bureau, 'Crime in India 1999–2013'
11. 'Muslim Voices: Perceptions of Policing in India', Commonwealth Human Rights Initiative, 2018
12. 'RGI releases Census 2011 data on Population by Religious Communities', Press Information Bureau, 25 August 2015
13. 'UMBRELLA SCHEME OF "MODERNISATION OF POLICE FORCE (MPF)"', Ministry of Home Affairs, 2017
14. *Prakash Singh & Ors v Union of India And Ors* (8 November 2010) Case No. Writ Petition(Civ) 310/1996

Police

1. Data on Police Organisation 2016, Bureau of Police Research & Development
2. Data on Police Organisation 2017, Bureau of Police Research & Development,
3. 'India's ratio of 138 police personnel per lakh of population fifth lowest among 71 countries', *Economic Times*, 13 July 2018
4. Sriharsha Devulapalli and Vishnu Padmanabhan, 'India's police force among the world's weakest', *LiveMint*, 19 June 2019
5. Parliamentary Monitoring Group
1. Seventh Schedule
2. *Re-Inhuman Conditions in 1382 Prisons v State of Assam and Ors.* Writ Petition (Civil) 406 / 2013
3. Roy Walmsley, 'World Prison Population List', *World Prison Brief*, 11th edn, 2015
4. The Code of Criminal Procedure, 1973
5. Roy Walmsley 'World Pre-trial/Remand Imprisonment List', *World Prison Brief*, 3rd edn, 2016
6. 'Jail Mail: Nelson Mandela Day 10 Things You Should Know About Indian Prisons', Commonwealth Human Rights Initiative, 18 July 2019

Prisons

7. *Re-Inhuman Conditions in 1382 Prisons*, Writ Petition(s) (Civil) 406/2013
8. Prison Statistics India, 2001, National Crime Records Bureau
9. Prison Statistics India, 2016, National Crime Records Bureau
10. Prison Statistics India, 2017, National Crime Records Bureau
11. Model Prison Manual, 2016, Ministry of Home Affairs

Judiciary

1. Laurenz Langer, Janice Tripney, David Gough, *The Science of Using Science: Researching the Use of Research Evidence in Decision-Making*, London: EPPI-Centre, Social Science Research Unit, UCL Institute of Education, University of London, 2016
2. Maria Dakolias, 'Court Performance Around the World: A Comparative Perspective', *Yale Human Rights and Development Journal*, Vol. 2, Issue 1, 1999
3. Sudhir Krishnaswamy, Sindhu K Sivakumar and Shishir Bail, 'Legal and Judicial Reform in India: A Call for Systemic and Empirical Approaches', *Journal of National Law University Delhi*, Vol. 2, Issue 1, 30 July 2018
4. 'National Court Management Systems (NCMS): Policy and Action Plan', Supreme Court of India, 2012
5. Avanti Durani, Rithika Kumar and Neha Sinha, 'Judicial Budgets: From Financial Outlays to Time-bound Outcomes', in Harish Narasappa, Shruti Vidyasagar and Ramya Sridhar Tirumalai (eds), *Approaches to Justice: A Report by DAKSH*, Eastern Book Company, 2018
6. 'Memorandum to the Fifteenth Finance Commission on Budgeting for the Judiciary in India', DAKSH and Centre for Budget Governance and Accountability, 2018
7. 'Judicial Vacancies', American Bar Association, 12 July 2019
8. One hundred twentieth report on 'Manpower Planning in the Judiciary: A Blueprint', Law Commission of India, 1987
9. 'Calculation of required judge strength for Subordinate Courts-with reference to Criminal Appeal Nos. 254-262 of 2014, *Imtiyaz Ahmad vs. State of U.P & Ors.* Pending in Supreme Court of India', NCMS Committee, 1 April 2016
10. 'Zero Pendency Courts Project: Final Report on the Pilot Project by High Court of Delhi', DAKSH
11. Justice Madan B. Lokur, 'Case Management and Court Administration', Law Commission of India
12. Bibek Debroy, 'Justice Delivery in India – A Snapshot of Problems and Reforms' *Institute of South Asian Studies Working Paper 47*, 31 July 2008
13. Harish Narasappa, Kavya Murthy, Surya Prakash B.S., and Yashas C. Gowda, 'Access to Justice Survey: Introduction, Methodology, and Findings', in Harish Narasappa and Shruti Vidyasagar (eds), *State of the Indian Judiciary: A Report by DAKSH*, Eastern Book Company, 2016
14. 'World Bank Report on Doing Business 2018', Ministry of Law & Justice, 2018
15. Rosemary Hunter, 'More than Just a Different Face? Judicial Diversity and Decision-making', *Current Legal Problems*, Vol. 68, Issue 1, 2015
16. Deepika Kinhal, 'Current crisis in SC is an opportunity to address serious gender disparity on the bench', *Indian Express*, 8 May 2019
17. Arijit Ghosh *et. al.*, 'Tilting the scale: Gender imbalance in the Lower Judiciary', Vidhi Centre for Legal Policy, 2018
18. *Re: Filling up of vacancies*, suo motu Writ Petition (Civil) No. 2/2018
19. Pradeep Thakur, 'Shortage of 4,000 courtrooms even if all judge posts filled up', *Times of India*, 2018
20. Amrita Pillai and Rounaq Chandrashekar, 'Status of physical infrastructure in lower judiciary', Vidhi Centre for Legal Policy, 2018

Legal Aid

1. 'Hope Behind Bars? Status Report on Legal Aid for Persons in Custody', Commonwealth Human Rights Initiative, 2018
2. Legal Services Authorities Act, 1987
3. NALSA (Lok Adalat) Regulations, 2009
4. NALSA (Free and Competent Legal Services) Regulations, 2010
5. NALSA (Legal Services Clinics) Regulations, 2011
6. NALSA Standard Operating Procedures on Redressal of Complaints/Public Grievances
7. NALSA Standard Operating Procedures for Representation of Persons in Custody, 2016
8. NALSA Front Office Guidelines, 2018
9. Guidelines for Mentoring and Monitoring Committees, 2019
10. NALSA, Front Office Guidelines, 2018
11. NALSA's Model Scheme for Legal Aid Counsel in all Magistrate Courts, 1998
12. NALSA SOP on Representation of Persons in Custody, 2011
13. NALSA Paralegal Volunteer Scheme, 2009
14. 'Monitoring the monitors: A Micro Study on Monitoring Committees in West Bengal', Commonwealth Human Rights Initiative, 2017
15. Guidelines issued by the National Legal Services Authority for the State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees and High Court Legal Services Committees. (In the light of the discussions of the working groups held at the National Judicial Academy on 17-19 December 2011)
16. National Legal Services Authority, Para Legal Volunteer Scheme, 2017

Fiscal Injustice

1. Prashant K. Nanda, 'Not enough fiscal space to increase public spending on social sector, says Economic Surveys', *LiveMint*, 30 January 2018
2. 'Memorandum to the Fifteenth Finance Commission on Budgeting for the Judiciary in India', Centre for Budget and Governance Accountability and DAKSH, 2018
3. The Fourteenth Finance Commission Report
4. 'One hundred twentieth report on 'Manpower Planning in the Judiciary: A Blueprint', Law Commission of India, 1987
5. Ministry of Law and Justice, Department of Justice <<https://doj.gov.in/sites/default/files/Rajya%20Sabha%20English%20Version%20New.pdf>>
6. Siddharth Chatterjee and Shining Path, 'How to Improve India's police – a roadmap', *Firstpost*, 28 March 2013
7. 'India's ratio of 138 police personnel per lakh of population fifth lowest among 71 countries', *Economic Times*, 13 July 2018
8. 'Detailed Demands for Grants', Ministry of Home, Govt. of Bihar 2019–2020
9. 'Two Hundred First report Demand for Grants (2017–2018) relating to Ministry of Home Affairs', Department-Related Parliamentary Standing Committee on Home Affairs, 15 March 2017
10. Usha Rani Das, 'Budget allocation in Judiciary: Financially Strangled', *IndianLegal*, 26 March 2018
11. 'Hope Behind Bars? Status Report on Legal Aid for Persons in Custody', Commonwealth Human Rights Initiative, 2018
12. Vinayak Krishnan, 'Modernisation of Police Forces', *PRS Legislative Research*, 2017
13. Renuka Sane and Neha Sinha, 'Budgeting for the Police', *LiveMint*, 11 April 2017

List of tables, figures, maps, boxes

List of tables

Page number

MAIN FINDINGS

Table 1: Rank and score for large and mid-sized states	7
Table 2: Rank and score for small states	7

POLICE

Table 3: Over 5 years, some gains, some losses	24
Table 4: Indicator-wise data, state scores and ranks	34

PRISONS

Table 5: Over 5 years, prisons not seeing improvements	49
Table 6: Indicator-wise data, state scores and ranks	52

JUDICIARY

Table 7: Over 5 years, improvements in judicial capacity?	63
Table 8: Indicator-wise data, state scores and ranks	72

LEGAL AID

Table 9: DLSAs and secretaries	82
Table 10: Indicator-wise data, state scores and ranks	90

List of figures

MAIN FINDINGS

Figure 1: Vacancies across the justice system	9
Figure 2: Share of women in police, prisons, judiciary and legal aid	11
Figure 3: Budgets for the justice system	13
Figure 4: Case clearance rate	14
Figure 5: Comparing lower court pendency	15

POLICE

Figure 6: States struggle to meet quotas	26
Figure 7: How long will it take for women's share to reach 33%?	28
Figure 8: Rural-urban coverage	31
Figure 9: Timeline of police reform efforts	32

PRISONS

Figure 10: Prison occupancy and undertrial prisoners	44
Figure 11: Prison staff vacancies	47

JUDICIARY

Figure 12: Judiciary, a lower budgetary priority of the state	61
Figure 13: Lower courts: Vacancy and pendency	65
Figure 14: The glass ceiling in courts	68

LEGAL AID

Figure 15: Lok Adalats: Lowering the burden of courts	87
---	----

FISCAL INJUSTICE

Figure 16: Per capita spend	106
-----------------------------	-----

List of maps

MAIN FINDINGS

Map 1: Overall ranking: Large and mid-sized states	6
Map 2: Overall ranking: Small states	6
Map 3: Ranking human resources: Large and mid-sized states	8
Map 4: Ranking human resources: Small states	8
Map 5: Ranking diversity: Large and mid-sized states	10
Map 6: Ranking diversity: Small states	10
Map 7: Ranking intention: Large and mid-sized states	12
Map 8: Ranking intention: Small states	12

POLICE

Map 9: Police ranking: Large and mid-sized states	20
Map 10: Police ranking: Small states	20

PRISONS

Map 11: Prisons ranking: Large and mid-sized states	40
Map 12: Prisons ranking: Small states	40

JUDICIARY

Map 13: Judiciary ranking: Large and mid-sized states	58
Map 14: Judiciary ranking: Small states	58

LEGAL AID

Map 15: Legal aid ranking: Large and mid-sized states	78
Map 16: Legal aid ranking: Small states	78
Map 17: Paralegal volunteers per lakh population	84

List of boxes

Box 1: Rule of law, economic growth and quality of life	3
Box 2: Counting 'missing' diversities	27
Box 3: Reforming prisons in Telangana	51
Box 4: Lack of clear criteria	81
Box 5: A 'model' idea: Decentralized planning in Kerala	109

The **India Justice Report** is a path-breaking endeavour consolidating the efforts of numerous individuals and organizations working towards the improvement of the Indian justice system. It ranks 18 large and mid-sized, and 7 small states according to their capacity to deliver justice to all. It uses government data to assess the budgets, infrastructure, human resources, workloads, diversity and 5 year trends of police, prisons, judiciary and legal aid in each state, against its own declared standards. This first of its kind study is an initiative of Tata Trusts undertaken in partnership with Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative, DAKSH, TISS-Prayas and Vidhi Centre for Legal Policy.



Supported by

TATA TRUSTS