

Bihar among the bottom three states in justice delivery

Southern States Continue to Dominate, says 3rd India Justice Report

Some encouraging improvements:

- States are increasing budget allocation for legal aid. As of 2021-22, all states/UTs contributed more than 60 per cent to their legal aid budgets.
- Nationally, share of women in subordinate judiciary, crosses 33%
- Nationally, per capita spend on police up to Rs 1151 (FY '20-21) from Rs 912 (FY '17-18)
- Share of jails with video conferencing increased to 84% from 60% (IJR 2020)

But, nationally, persistent lacunae:

- Prison occupancy over 130%, highest since 2010; over 2/3rd inmates yet to be convicted
- Women only 11.75% of police force, despite doubling in the last decade
- High vacancies among HC judges, police officers; almost 30%
- Nationally, legal aid clinics reduced by 44% (23,022 in 2019-20 to 12,976 in 2020-21)

April 4, 2023, New Delhi: The 2022 India Justice Report (IJR), India's only ranking of states on delivery of Justice in the country, announced here today, ranks Karnataka at the top of the 18 Large and Mid-sized states (with population of over one crore each), followed by Tamil Nadu (2020: 2nd), Telangana (2020: 3rd) Gujarat (2020: 6th) and Andhra Pradesh (2020: 12th). The list of seven Small States (population less than one crore each) was topped by Sikkim (2020: 2nd), followed by Arunachal Pradesh (2020: 5th) and Tripura (2020: 1st).

The India Justice Report (IJR) was initiated by Tata Trusts in 2019, and this is the third edition. Partners include Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative, DAKSH, TISS–Prayas, Vidhi Centre for Legal Policy and How India Lives, IJR's data partner.

Through a rigorous 24-month quantitative research, the IJR 2022, like the previous two, has tracked the progress by states in **capacitating their Justice delivery structures** to effectively deliver mandated services. Based on latest official statistics, from authoritative government sources, it brings together otherwise siloed data on the four pillars of Justice delivery – Police, Judiciary, Prisons, and Legal Aid. Each pillar was analysed through the prism of budgets, human resources, workload, diversity, infrastructure, and trends (intention to improve over a five-year period), against the state's own declared standards and benchmarks. This third IJR also

separately assesses the capacity of the 25 State Human Rights Commissions (see SHRC brief for more).

Bihar's performance

Bihar ranks among the bottom three states this year. It fell to the 16th rank in the police, judiciary and legal aid pillars and 9th in the prison pillar, despite displaying a markedly improved performance between IJR 2019 and 2020 in all pillars. Among 61 comparable indicators between 2020 and 2022, Bihar improved in 29, just above Jharkhand and Rajasthan.

In IJR 2019, it was ranked 17th, rising to the 13th position in the next report which was published in January 2021. However, in the third edition of the India Justice Report, Bihar's performance declined, and it has ranked 16th because of the following key reasons:

1. More than half positions among police officers are empty
2. Vacancies among doctors in prisons touch 62% along with 50% of the medical staff also missing
3. 73% jails or 24 prisons of the 59 prisons in the state report occupancy rates more than 150%
4. One of the lowest per capita spends on judiciary after West Bengal, although it has increased from Rs. 67 in 2017-18 to Rs 83 in 2020-21
5. High courts have no women judges since 2020 and in the district courts, women account for 24%
6. No benchmarks under the Model Prison Manual have been met
7. Bihar could not meet its SC, ST, OBC quotas for judges at the district level
8. In 2021-22, Bihar could only utilise 61% of funds allocated by NALSA -a drop from 88% in 2019-20
9. 1 in 4 cases at the high court and district court levels have been pending for 5-10 years
10. Villages per legal service clinic increased from 210 in 2020 to 814 in 2022

The ranking of the 18 large-and mid-sized states is:

States	Rank 2022	Rank 2020
Karnataka	1	14
Tamil Nadu	2	2
Telangana	3	3
Gujarat	4	6
Andhra Pradesh	5	12

Kerala	6	5
Jharkhand	7	8
Madhya Pradesh	8	16
Chhattisgarh	9	7
Odisha	10	4
Maharashtra	11	11
Punjab	12	1
Haryana	13	9
Uttarakhand	14	15
Rajasthan	15	10
Bihar	16	13
West Bengal	17	17
Uttar Pradesh	18	18

The ranking of the seven small states is:

States	Rank 2022	Rank 2020
Sikkim	1	2
Arunachal Pradesh	2	5
Tripura	3	1
Meghalaya	4	7
Mizoram	5	6
Himachal Pradesh	6	4
Goa	7	3

Nationally, Encouraging improvements, but persistent lacunae

IJR 2022, as in the first two, highlights persistent lacunae when aggregated for an all-India picture.

Vacancy is an issue across the Police, Prison staff, Legal Aid, and the Judiciary.

For 1.4 billion people, India has about 20,076 judges with about 22% sanctioned posts vacant. Vacancy among High Court judges is at 30%. As of December 2022, India had 19 judges per million population when calculated against the sanctioned strength, and a backlog of 4.8 crore cases. The Law Commission had desired, as early as 1987, it should be 50 judges per million in a decade's time from then.

In the Police, women are only about 11.75%, despite their numbers doubling in the last decade. About 29% of the officer positions are vacant. The police to population ratio is 152.8 per lakh. The international standard is 222.

Prisons are over-occupied at over 130%. More than two-thirds of the prisoners (77.1%) are awaiting the completion of investigation or trial.

Most states have not fully utilised funds given to them by the Centre. Their own increase in spending on the Police, Prisons, and Judiciary has not kept pace with overall increase in state expenditure.

The justice system as a whole remains affected by low budgets. Except for two union territories, Delhi and Chandigarh, no state spends more than 1 per cent of its total annual expenditure on the judiciary.

India's per capita spend on free Legal Aid —which 80% of the population is eligible for – is a meagre Rs 3.87 per annum.

Commenting on the India Justice Report, Justice (retd.) Madan B. Lokur said, “The third IJR shows that states are making a substantive improvement over the last two ones in terms of adding new dimensions on diversity, training, and infrastructure. Some states have dramatically improved their performance but there is a lot that needs to be done on the whole. So far as the police is concerned there does appear to be a shortage of women officers in police. Legal aid is doing better but still a lot of people need to be provided quality free legal aid, we need to increase the confidence that people have in our services.”

Ms. Maja Daruwala, Chief Editor, India Justice Report 2022 points out, “As a member of the comity of nations and more importantly as a commitment to itself, India has promised that by 2030 it will have ensured access to justice for all and built effective, accountable, and inclusive institutions at all levels. But the official statistics brought together in the IJR this year show that we have a long way to go yet. I would again urge that the provision of affordable efficient and accessible justice services to each one of us be treated as necessary as food, education, or health. For this to happen more resources need to be ploughed into it, much more capacity built and much more attention paid to curing long standing deficiencies.”

Broad national findings:

VACANCIES

Nationally, in IJR 2022, vacancies in the justice system are at:

- **Police:** 22% (Constables), 29% (Officers)
- **Prisons:** 28% (Officers), 26% (Cadre Staff), 36% (Correctional Staff), 41%(Medical Staff), 48% (Medical Officers)
- **Judiciary:** 30% (High Court Judges), 22% (Subordinate Court Judges), 26% (High Court Staff)
- **Legal aid:** 12% (DLSA Secretary)

Some states have reduced vacancies:

- **Police:** Telangana in constabulary from 40% to 26%, and Madhya Pradesh among officers from 49% to 21%
- **Prisons:** Bihar among officers from 66% to 26%
- **Judiciary:** Tripura among Subordinate Court judges from 30% to 11%, and Andhra Pradesh among High Court judges from 70% to 19%
- **Legal aid:** Chhattisgarh for DLSA secretaries from 48% to nil

Across three pillars (judiciary, police, and prisons) only Jharkhand and Uttar Pradesh have managed to reduce vacancies over 5 years (2017-2022)

DIVERSITY

SC, ST, OBC quotas: Karnataka remains the only state to consistently meet its quota for SC, ST and OBC positions, both among Police officers and the constabulary.

In the Judiciary, at the Subordinate/District Court level, no state met all the three quotas. Only Gujarat and Chhattisgarh met their respective SC quotas. Arunachal Pradesh, Telangana, and Uttarakhand met their respective ST quotas. Kerala, Sikkim, Andhra Pradesh, Maharashtra, Tamil Nadu, Chhattisgarh, and Telangana met OBC quotas.

Share of women across the justice system (Police, Prisons, Judiciary & Legal aid) in key positions: 1 out of 10 is a woman.

While the overall share of women in the Police force is about 11.75%, in the officer ranks it is still lower at 8%. Only 13% of High Court judges and 35% of Subordinate Court judges are women. Among Prison staff, they are 13%. A majority of states has increased the share of women panel lawyers. Nationally, the share has increased from 18% to 25%.

INFRASTRUCTURE

CCTVs: About 25% -- one in four -- police stations do not have a single CCTV. Nearly three in 10 police stations do not have women help desks.

Occupancy: About 30% (391 prisons) record occupancy rates of above 150%, and 54% (709 prisons) run above 100% capacity.

Under-trials: With the exception of Andaman & Nicobar Islands, Arunachal Pradesh, Mizoram, Tripura, and Madhya Pradesh, the undertrial population of all states and Union Territories exceeds 60%.

WORKLOAD

JUDICIARY:

- **Pending cases:** In 28 states/Union Territories one in every four High Court cases is pending for more than five years. In District Courts of 11 states/Union Territories one in every four cases is pending for more than five years.
- **Population per subordinate court judge:** 71,224 persons
- **Population per high court judge:** 17,65,760 persons

POLICE:

Population per civil police: 831 persons

PRISON:

Medical Officers: India has only 658 medical officers for its over 554,000 prison inmates. This averages to one doctor for 842 inmates.

BUDGETS FOR JUSTICE AT A GLANCE

Legal Aid: The national per capita spend on legal aid, including the expenditure of the National Legal Services Authority (NALSA) and the state/UT governments themselves, is a meagre Rs 4.57 per annum. Excluding NALSA this figure drops to Rs. 3.87, if only NALSA's budget (2021-22) is considered the per capita spend is Rs. 1.06 only.

Prisons: The national per capita spend on prisons is Rs. 43 Nationally, average spend per prisoner has gone down to Rs 38,028 from Rs 43,062 Andhra Pradesh records the highest annual spend on a prisoner at Rs.211,157.

Judiciary: The national per capita spend on judiciary stands at Rs. 146. No state spends more than one per cent of its total annual expenditure on the Judiciary.

Police: The national per capita spend on police is at Rs. 1151 which is the highest among the four pillars.

IJR 2022 has reiterated both immediate and foundational corrections. It has flagged urgent filling of vacancies and increased representation. To effect an irreversible change, it has exhorted that Justice delivery be designated as an essential service.

Notes to the Editor:

1. For key findings on each pillar, please refer to the National Factsheet.
2. For further details and perspective please refer to respective pillar backgrounders or visit: <https://indiajusticereport.org/>
3. For an interactive web-visualization to compare and assess states, please visit: <https://indiajusticereport.org/>
4. The India Justice Report 2022, national factsheet and an interactive web output will be available at <https://indiajusticereport.org/>
5. The IJR 2022 uses the latest official data available at the time of going to press: for the police it is 1 January 2022; prisons 31 December 2021; judiciary uses data from 2022 and 2023; and for legal aid for 2021-22 and March and June 2022. Population figures are sourced from the National Commission on Population 2019 and budget figures rely on Comptroller and Auditor General reports and state budget documents for 2020-21

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