

HUMAN RESOURCES

Nearly 50% posts for doctors stand vacant

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The third India Justice Report continues to compare and track the improvements and shortfalls in each state's structural and financial capacity to deliver justice. Using the latest available government figures the first ever ranking was published in November 2019. Each state's ranking is assessed on quantitative measurements of budgets, human resources, infrastructure, workload and diversity within the police, judiciary, prisons and legal aid in 18 large and medium sized states with a population of over 1 crore and 7 small states with less. Data for 8 Union Territories (UTs) and 3 other unranked states is also provided. The IJR not only provide pillar and theme wise comparisons between similarly situated states but also capture improvements and shortfalls in pillars and themes since IJR 2020 and over 5 years. These mark out clear discernible trends and directions.

Human resource is the backbone on which the pillars of the justice system rest. In assessing its capacity to perform required tasks, the IJR measures personnel at various levels on the ground against sanctioned strength.

In prisons, doctors dwindle and staff stagnant while inmates increase

Prison staff are classified as officers, cadre staff, correctional staff, medical and ministerial staff. Significantly, given the difficulties that prison administrations struggled with through the COVID-19 pandemic, persistent shortage of qualified doctors has become more acute with vacancies rising sharply from 37% in 2019 to 48% in 2021. There were only 658 doctors across 1319 prisons in the country - a fall of 14% from 2019. An increase in vacancies has a direct impact on workload and no large and mid-states met the Model Prison Manual's benchmark for 1 medical officer for every 300 inmates. In eleven states there was one doctor for more than 1000 inmates. Five states/UTs - DNH & Daman and Diu, Ladakh, Lakshadweep, Mizoram and Nagaland recorded no doctors in their prisons.

1 in 4 prison cadre staff missing

Over the last decade, overall vacancies hover around 30%. At the end of 2021, the national average vacancies stood at 28%. As many as 23 of 36 states/UTs had prison officer vacancy levels of over 30%. Ladakh (80%) and Uttarakhand (77%) had the highest followed by

Jharkhand (68%) and Tripura (66%). Dadra & Nagar Haveli and Daman & Diu recorded more officers than sanctioned and Chandigarh and Nagaland showed no vacancies.

Among cadre staff, Arunachal Pradesh, Manipur, Nagaland and Tamil Nadu were the only states with overall vacancies levels less than 10%. Nineteen states/UTs had vacancies above 25%. Ladakh (80%), Jharkhand (60.3%) and Sikkim (56.2%) had the highest.

Against the sanctioned number--itself inadequate in many cases--there were also significant vacancies among medical¹ and correctional staff². Eleven states/UTs had vacancies of more than or equal to 50% at the medical officer level. Lakshadweep and Dadra & Nagar Haveli and Daman & Diu recorded no sanctioned posts for medical staff. Only Andaman & Nicobar Islands, Nagaland and Puducherry recorded no vacancies.

Only 15 judges per 10 lakh people against 50 recommended in 1987

Judge vacancies remain endemic. Looked at over five years vacancies in eight high courts³ and in the district courts of fourteen states/UTs⁴ have increased. Between December 2019 and December 2022, nationally, high court vacancies decreased from 37.8% to 29.78% hovering around 30%.

With the exception of Guwahati and Sikkim high courts, judicial posts. At the district level, no state had filled all its sanctioned judicial posts except Chandigarh which had its full complement of judges. Sixteen high courts⁵ worked without 1/4th of their sanctioned bench strength while Rajasthan with a shortfall of 48% and Gujarat with 46% functioned with just over half. At the district court level, only Chhattisgarh (8.9%), Himachal Pradesh (7.4%) and West Bengal (9.5%) recorded less than 10% vacancies. One in four judges were missing in ten states/UTs.⁶ Puducherry (58%), Meghalaya (49%) and Haryana (39%) showed the highest vacancies.

Swelling vacancies among the police

As of January 2022, India, the world's most populous country, has only 153 police personnel per one lakh people. This is a decrease from 156 police personnel in 2020.

¹ Includes categories of: Resident Medical Officer / Medical Officer, Pharmacist, Lab Technician / Lab Attendant, Others

² Includes categories of: Probation Officer/Welfare Officer, Psychologist/Psychiatrist, Social Worker / Others

³ Bihar, Gujarat, Madhya Pradesh, Goa, Maharashtra, Uttarakhand, Rajasthan, Dadra and Nagar Haveli & Daman and Diu

⁴ Kerala, Himachal Pradesh, Telangana, Tamil Nadu, Goa, Sikkim, Puducherry, Maharashtra, Mizoram, Manipur, Rajasthan, Haryana, Andhra Pradesh (3 year trend), Dadra and Nagar Haveli & Daman and Diu

⁵ Allahabad, Bombay, Calcutta, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Madhya Pradesh, Madras, Manipur, Meghalaya, Orissa, Patna, Rajasthan, Tripura and Uttarakhand High Courts.

⁶ Puducherry, Meghalaya, Haryana, Mizoram, Lakshadweep, Uttar Pradesh, Bihar, Nagaland, Manipur, Sikkim

Each state decides its own sanctioned strength. Measured against this, at the constabulary level, only Nagaland exceeded its sanctioned strength. Ten states/UTs had one in five constables missing. West Bengal with a vacancy of 44% had the highest shortfall. Only in eight states/UTs⁷ do vacancies stand at less than 10%.

Among officers, the average vacancy at officer level stands at 28.6%, the largest shortfalls being among Sub-Inspectors (35%), followed by Inspectors at 27% and ASIs at 24%.⁸ Around nineteen states/UTs,⁹ including nine large states, had 25% or more vacant officer posts. Bihar (with 53.8%) had the most vacancies, followed by Rajasthan (45.6%). Since 2014, Sikkim has been the only state to have more officers than sanctioned.

Number of PLVs has dropped considerably

Paralegals are intended to be embedded community legal resources responsible for spreading awareness, counselling, and bridging the distance between community and the formal legal system. NALSA suggests 50 active paralegals in each DLSA.¹⁰ Nationally, the number of PLVs has dropped 15% from 53,679¹¹ in 2020 to 45,636. 20 states/UTs¹² have reduced their numbers, illustratively, numbers of PLVs in Tripura plunged from 481 in 2020 to 190 in 2022 or the state has gone from 12 PLVs per lakh population in 2020 to just 5 per lakh population in 2022. Twenty-one states/UTs have less than 5 PLVs per lakh population. Arunachal Pradesh (111), Lakshadweep (82) and Sikkim (29) record the highest numbers of PLVs per lakh population.

⁷ Himachal Pradesh, Jammu & Kashmir, Kerala, Manipur, Nagaland, Rajasthan, Sikkim, Uttarakhand.

⁸ As of Jan 2021, sub-inspector vacancies were at 38%, while ASIs and SIs vacancies were at 28% each.

⁹ Bihar, Rajasthan, Uttar Pradesh, Lakshadweep, Tripura, Manipur, Arunachal Pradesh, Puducherry, Jharkhand, Odisha, Assam, Mizoram, Chhattisgarh, Andaman & Nicobar Islands, Maharashtra, Haryana, West Bengal, Dadra and Nagar Haveli and Daman and Diu, Jammu & Kashmir.

¹⁰ NALSA's Paralegal Volunteer Scheme. Available at:

<https://nalsa.gov.in/acts-rules/preventive-strategic-legal-services-schemes/scheme-for-para-legal-volunteers>

¹¹ Figures for Andaman and Nicobar Islands, Kerala and Lakshadweep as of Jan 2019

¹² A&N Islands, Andhra Pradesh, Assam, Chhattisgarh, Goa, Gujarat, Haryana, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Punjab, Sikkim, Tamil Nadu, Telangana, Tripura, Uttarakhand and West Bengal.

About India Justice Report 2022

The India Justice Report (IJR) 2022 remains the only comprehensive quantitative index using government's own statistics to rank the capacity of the formal justice system operating in various states. This IJR is a collaborative effort undertaken in partnership with DAKSH, Commonwealth Human Rights Initiative, Common Cause, Centre for Social Justice, Vidhi Centre for Legal Policy and TISS-Prayas.

First published in 2019, the third edition of the IJR adds an assessment of the capacity of State Human Rights Commissions. It continues to track improvements and persisting deficits in each state's structural and financial capacity to deliver justice based on quantitative measurements of budgets, human resources, infrastructure, workload, and diversity across police, judiciary, prisons and legal aid for all 36 states and UTs.

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