

TRENDS

Karnataka shows the most intention to improve over five years

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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's not only provides pillar and theme wise comparisons between similarly situated states but also captures improvements and shortfalls in pillars and themes since IJR 2020 and over 5 years. These mark out clear discernible trends and directions.

The India Justice Report measures 23 'trend' indicators across the police, prisons and judiciary pillars to assess states' improvements and persisting shortfalls over five years. Among the 18 large and mid-sized states, Karnataka, rising 15 spots between 2020 and 2022 in the intention ranking, showed the greatest intention to improve its capacities across pillars on a number of indicators - constable vacancies in the police, judge vacancies at the High Court level, cases pending at the High Court and district courts, average expenditure on each pillar, inmates per jail staff and share of undertrials.

Overall intention to improve among states

In addition to Karnataka, Jharkhand, which ranked 7th in the intention ranking in 2020, came in a close second, displaying its intention to improve its expenditure on policing, reducing vacancies across pillars, and pending cases in both the High Court and district court levels. Jharkhand was followed by Bihar, Gujarat and Andhra Pradesh. Among the small states, Meghalaya and Arunachal Pradesh ranked first and second respectively in the intention ranking in 2022.

Haryana, Maharashtra and Uttarakhand show declining capacity over a five-year period in a majority of indicators. Illustratively, Maharashtra's increasing vacancies across all pillars imposed an increased workload burden on prison staff, and on judges at both the High Court and district court levels and impacted the decrease in case clearance rates in all courts. This

cumulatively affected its fall in rank from 9th in 2020 to 17th in 2022. Among small states, Goa and Himachal Pradesh showed the least improvement in capacity over a 5-year period.

Gender diversity improving steadily

The share of women in the police and prisons is improving steadily. Nationally, the share of women increased by 0.90 percentage points between 2017 and 2021 and among officers, representation increased by 0.49 percentage points. All states show an increase in the number of women in the police force and among police officers, with the exception of Haryana and Tamil Nadu. Andhra Pradesh, at 3.52 percentage points, showed the highest rise in the share of women in the police force.

Women prison staff also improved by 0.83 percentage points nationally. Bihar, at 3.26 percentage points, showed the largest rise in share of women among prison staff while Uttarakhand (-0.16 percentage points) and Kerala (-0.19 percentage points) registered a decline.

While the share of women in the district courts shows significant increase, from 30% in 2020 to 35% in 2022; the increase in the high courts is slower. Nationally, women accounted for 13% among high court judges, a slight increase from 11% in 2020. Only five high courts - Delhi, Gujarat, Madras, Sikkim and Telangana - recorded more than 20% women judges. On the other hand, at the district court level, one in three judges in twenty-seven states/UTs is a woman.

This is an evident trend among panel lawyers and paralegal volunteers as well. Between 2020 and 2022, a majority of states/UTs recorded an increase in the share of women panel lawyers. Nationally, their share increased by 6 percentage points from 18%¹ to 25%. Meghalaya had the highest share at 60% followed by Nagaland (51%) and Goa (45%). The share of women PLVs nationally, grew from 35% in 2020 to 40% in 2022. Four states/UTs including Karnataka, Goa, Kerala, and Delhi, among others, recorded more than 50% women PLVs.

Vacancies increasing in the police force

Nationally, the average vacancy at officer level stands at 28.6%. Between 2017 and 2021, vacancies increased by 0.21 percentage points. Seven large states - Odisha, Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Odisha, Punjab and Rajasthan - recorded an increase in vacancies. All small states registered an increase in officer level vacancies during the same period.

¹ This figure is from the India Justice Report, 2020 and does not include data from Kerala, West Bengal, Andaman & Nicobar Islands (not ranked), Lakshadweep (not ranked) as the report repeated figures from March 2017 due to unavailability of data from these states.

Vacancies among the constabulary increased by 0.07 percentage points nationally with eleven large states² and all small states recording an increase.

Vacancies at the high court judge level registered a decrease by -0.99 percentage points nationally, with twelve large states³ and six small states⁴ recording a decrease between 2018 and 2022. District court judge vacancies also reduced nationally by -0.66 percentage points.

Increasing pending cases in courts

Between 2018 and 2022, the average national case clearance rate at the high court level improved by 1.03 percentage points. Kerala recorded the highest CCR, at 13.56 percentage points while Rajasthan recorded the least at -5.78 percentage points. Twelve large states⁵ and three small states⁶ recorded an improved case clearance rate at the high court level.

Nationally, in 2022, the average case clearance rate was higher in high courts (95%) than in district courts (90%). Case clearance rates at the district court level went down by -1.65 percentage points, nationally between 2018 and 2022. West Bengal registered the largest drop at -13.67 percentage points among large states while Tripura (-5.53 percentage points) recorded the least improvement among small states.

Share of undertrials

With 77% of the prison population in India's 1319 jails comprising undertrials, - those awaiting the completion of their trials or investigation, there is a rising trend in pre-trial detention. The share of undertrials between 2017 and 2021 increased by 1.8 percentage points nationally.

All states, with the exception of Arunachal Pradesh and Meghalaya, registered an increase in the share of undertrials between 2017 and 2021. Among the large and mid-sized states, Punjab (3.75 percentage points) followed by West Bengal (3.71 percentage points) and Haryana (3.28 percentage points) showed the largest increases in the share of undertrials. Among the small states, Goa (5.23 percentage points) followed by Tripura (3.74 percentage points) and Himachal Pradesh (2.10 percentage points) showed the largest increases during the same period.

² Andhra Pradesh, Chhattisgarh, Haryana, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Tamil Nadu, Telangana and West Bengal.

³ Andhra Pradesh, Chhattisgarh, Haryana, Jharkhand, Karnataka, Kerala, Odisha, Punjab, Tamil Nadu, Telangana, Uttar Pradesh and West Bengal.

⁴ Arunachal Pradesh, Himachal Pradesh, Meghalaya, Mizoram, Sikkim and Tripura

⁵ Andhra Pradesh, Bihar, Gujarat, Haryana, Jharkhand, Karnataka, Kerala, Odisha, Punjab, Tamil Nadu, Telangana and West Bengal.

⁶ Meghalaya, Sikkim and Tripura

About India Justice Report 2022

The India Justice Report (IJR) 2022 remains the only comprehensive quantitative index using government's own statistics ranks 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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