

Methodology

Like its predecessor, the IJR 2020 brings together eighty-seven indicators relating to the justice system. It uses the latest data drawn from various official documents and departments as available in the public domain at the time of publication. These data sets are brought together and collated to assess the capacity of 4 pillars—police, prisons, legal aid, and judiciary—of each state’s justice system to effectively deliver justice. Each theme - infrastructure, budgets, human resources, workload and diversity as well as trends - is in itself a commentary on a key facet of the pillar and combines with other metrics to compute an aggregate score for each pillar and finally a rank for the state.

In its second iteration the IJR 2020 is unique in that it not only provides pillar and theme wise comparisons between similarly situated states one against another, but also allows for an understanding of what improvements and shortfalls have been made within each states own pillars and themes since IJR 2019 and over 5 years. These mark out clear discernable trends and directions.

Step 1: Outline

Data indicators of four pillars:

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|----|------------------|---------------|
| 1. | Police | 26 indicators |
| 2. | Prisons | 23 indicators |
| 3. | Judiciary | 23 indicators |
| 4. | Legal aid | 15 indicators |

Themes:

1. **Infrastructure**
2. **Budgets**
3. **Human Resources**
4. **Workload**
5. **Diversity**
6. **Trends (change over 5 years)**

Infrastructure refers to the basic physical resources available: human resources takes account of personnel sanctioned and available on the ground; budgets measure the funds received, utilized and spent per functionary or per capita; workload assesses the weight of service delivery upon a functionary within that sub-system; and diversity assesses how representative these systems are. A sixth theme, ‘trends’, is used to gauge improvement or deterioration over a five year period across each theme in overall.

Step 2: Clustering

In order to compare like with like and ensure that states are fairly compared, the report divides states and UTs into four clusters:

- **Cluster I (ranked):**
Eighteen large and mid-sized states (population above 10 million).²
- **Cluster II (ranked):**
Seven small-sized states (population up to 10 million): Arunachal Pradesh, Goa, Himachal Pradesh, Meghalaya, Mizoram, Sikkim, and Tripura.

¹ As the latest data was not available for West Bengal it has been ranked basis previous year’s data for prisons.

² As per the report of the National Commission on Population, 2019, these states constitute about 93 per cent of India’s population

- **Cluster III (not ranked):**
Seven UTs,³ including Delhi and Puducherry (the report provides values but does not rank them).
- **Cluster IV (not ranked):**
Four states where Armed Forces Special Powers Act, 1958, (AFSPA) is in force: J&K,⁴ Manipur, Assam, and Nagaland. (the report provides values but does not rank them).

Step 3: Filtering

Data points are selected based on whether all are evenly available and comparable across states, pillars, and themes. Where there were no benchmarks in hard law, policy pronouncements or government committee recommendations were used.

IJR 2020 has added several new indicators relating to training and technology such as jails with video-conferencing facility (% Dec 2019), and police personnel per training institute (number, Jan 2020). In addition, certain indicators pertaining to diversity have been further disaggregated taking the number of indicators up from seventy-eight to eighty-seven indicators in IJR 2020.

Baseline

The IJR 2020 uses the latest official data available at the time of going to press. These are:

Pillar/Theme	Date/Period
Police	1 January 2020
Prisons	31 December 2020
Judiciary	2018-19 and 2020
Legal aid	2019-20, March 2020
Population figures	2019 (National Commission on Population)
Budget figures	2017-18 (Comptroller and Auditor General)

³ The UTs of Dadra & Nagar Haveli and Daman & Diu were merged on 26 January 2020; however, this report uses data from the period they were separate entities and considers them in their erstwhile capacities.

⁴ Jammu & Kashmir and Ladakh have been considered as a unit for this report since the majority of data is pre- August 2019. Either way, as a UT or AFSPA state, Jammu and Kashmir, and Ladakh would not be ranked.

CAG documents were preferred over state budget documents due to the uneven availability of budget documents and variations in the way each records budget heads.

Step 4: Scoring basis

As with IJR 2019, 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 lowest. Where a state met or exceeded the benchmark it had set for itself it received a score of 10. In cases where there were no benchmarks available, a state received a 'top' score of 10. This this does not mean that the state has reached an ideal capacity, merely that it is best in class. The scores of every indicator were aggregated and averaged to arrive at a pillar score, also scored on a scale of 1 to 10.

Averages were arrived at using geometric mean because the method is less prone to distortion by extreme outlying figures. Thus, for each pillar every state got a score out of 10, and a rank in its cluster. The pillar scores were then averaged to arrive at the overall score, also out of 10.

State Citizen Portals

These state-wise portals are expected to offer nine basic services. They were assessed for accessibility, language and completeness of services. Accessibility was checked at three different points: June, August, and October. 1 mark was given for the portal being available in more than one language; and 1 mark was given per service for completeness of content. Where a service was disaggregated into various sub-parts that mark was also subdivided. Illustratively, if the service sought to provide details on stolen/ recovered

vehicles, arms and other properties, each of the three sub-categories was allocated a maximum score of 0.3. Partial marks were therefore still accorded to 'incomplete' services. Re-direction to other websites have also not been penalized.

Step 5: Scoring and ranking

For each cluster, the report applied the methodology outlined in Step 4 to every indicator in the pillar.

For states, whose values were missing for certain indicators due to an unavoidable reason (for example, five-year data for Andhra Pradesh and Telangana for the judiciary), the number of indicators were reduced while working out its score. In instances where data for an entire state, or certain indicators within a state were missing because these had not been submitted to the official agency concerned, the report uses the most recent available data for that state or repeats data as used in IJR 2019, as necessary.

Step 6: Uniformity in indicator counts across themes and weights

Though the indicator counts for each theme varies—diversity in police has eight indicators but judiciary has two—each indicator, theme, and pillar has been assigned equal weightage so as not to privilege any one aspect over another. The study avoids bringing in any element of subjectivity by giving one a higher or lower weightage since every data point influences the whole outcome.

Step 7: Measuring change: 2019 to 2020

A new feature in IJR 2020 measures the progress of states over IJR 2019 for indicators common to the two years. This has been done as a distinct exercise,

for all ranked states, across the four pillars and on an overall basis (Page 10).

Step 8: Data checks

The data was checked 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 (i.e. before web and print outputs). A third round of checking was carried out on the final outputs.

OTHER POINTS

Rounding off decimals

The report looked at decimals through the ease of reading the data. Where the numbers were large, it did not include decimals and where they were small and the variance was in fractions, decimals were included—one or two places 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.

Union Territories and States

As in IJR 2019 data for seven Union Territories and four states has been compiled but not ranked. As of August 2019, the state of Jammu and Kashmir was reorganized into two Union Territories, namely the UT of Jammu and Kashmir, and Ladakh. Similarly, the UTs of Dadra & Nagar Haveli and Daman & Diu were merged on 26 January 2020. The IJR 2020 continues to consider these jurisdictions in their erstwhile status, aggregating the data, as relevant, to the months following August 2019.

Geometric Mean over Arithmetic Mean

In a scenario where a state scores 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 outliers i.e. extreme variables better.

Shared court jurisdictions

For states that share court jurisdictions, the report used the same data where justifiable. For example, population per High Court judge was combined for Punjab, Haryana, and Chandigarh since the two states and the UT are serviced by the same High Court. Similarly, for the population calculation at the subordinate courts level, combined figures as given in 'Court News' have been used to arrive at a common figure for Andaman and Nicobar Islands and West Bengal. Conversely, in calculating the shortfall in available court halls, the report has 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 year's India Justice Report once again ranks the justice delivery capacity of eighteen large and seven small states. With each report, we delve deeper into the systems and, as always rely entirely on the best available official data.

The biggest strength of the IJR lies in bringing together disparate and hitherto siloed information. Its aggregations suggest how the performance of one pillar can impinge on another. At the

same time, the atomization of so much data allows for pinpointing exact locations for possible intervention and remedy. Both these are valuable aids to 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 organizations, the report benefits from constant checks and advice from government agencies, judges, retired DGPs police, and other specialists in these sub-systems. The involvement of these numerous and varied perspectives validates the choice of indicators and scoring.

The report is a purely quantitative exercise on selected aspects of the justice system. Its assessment is often limited by the unavailability and paucity of data and its inconsistencies. It does not aspire to capture the views of the duty holder or functionary and stakeholder that relate to the qualitative performance and functioning of each sub-system as perception studies and surveys do. Nevertheless, the assessment of the structures involved in the administration of justice point to levels of service and response.

The data delineation here is also a necessary supplement to other qualitative studies and helps indicate possible solutions to many entrenched problems. We hope that the report will encourage others to strive to go ever deeper into evaluating the structure of the justice delivery system holistically and in ever more detail.

