

## Tamil Nadu comes on top in meeting diversity quotas

When assessed on meeting their own diversity quotas, Tamil Nadu has raced ahead of Karnataka and Kerala to emerge as the state with the most diverse justice system in India. Seen against 17 other Large and Mid-sized states (with a population above 10 million), Tamil Nadu's higher share of women overall, and particularly in the police and the judiciary, helped the state top the diversity ranking. Interestingly, Karnataka, which came in a close second, was the only state to have come close to meeting all three quotas -- Scheduled Caste, Scheduled Tribe and Other Backward Classes for police officers.

These are some of the findings on the status of the Judiciary in India of the first-ever India Justice Report (IJR), an initiative of Tata Trusts. The India Justice Report is a quantitative analysis of the capacity of the four pillars of justice -- Judiciary, Police, Prisons, and Legal Aid. This is the first time that these four pillars are being quantitatively studied together using six filters -- budgets, human resources, work load, diversity, infrastructure and trends (change of the last five years). The report presents a state-wise picture of each pillar, in separate clusters, of 18 Large and Mid-sized states and seven Small states, basis population, and seven Union Territories (UTs) and 4 other 'unranked' states.

Diversity in public institutions affirms the democratic idea of inclusiveness. Across the 4 pillars of the justice system, it reinforces the notion of equity and equality. The India Justice Report looks at the extent to which institutions involved in the administration of justice have fulfilled their 'diversity' promises, measured across 10 diversity indicators, including gender diversity.

### **Missing women: Higher judiciary and prisons**

No state has adopted affirmative action for women judges in their High Courts. Tamil Nadu at 20 per cent and West Bengal at 18 per cent have the highest share of women High Court judges amongst the large states. Uttarakhand and Chhattisgarh, as on June 2018, had no women judges in their High Court.

Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Karnataka, Odisha, Rajasthan, Tamil Nadu, Telangana and Uttarakhand however do provide for reservations in the subordinate judiciary. These range from 30 per cent to 35 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. 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.

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.

### Police: States failing to meet caste or gender quotas

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.

There are a total of just over seven per cent women in the police. Only four states (Goa, Maharashtra, Himachal Pradesh and Tamil Nadu) and four UTs (Daman and Diu, A & N Islands, Dadra & Nagar Haveli & Chandigarh) 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, Himachal Pradesh with 12 per cent and Maharashtra with 12 per cent lead, while other states -- Uttar Pradesh, Andhra Pradesh, Meghalaya, Madhya Pradesh, Chhattisgarh and Tripura -- with five per cent or less, bring up the rear. Telangana, the newest state in the country, with just two per cent, comes in last.

### Glass Ceiling and Women

The data also affirms the existence of a 'glass ceiling', where most women tend to be clustered amongst the lower ranks

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, Telangana with 44 per cent 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 in the subordinate courts. The greatest difference is seen in two small states — Goa (where the share of women between the courts falls by 53 percentage points) and Meghalaya (where no women High Court judge meant that the share of women falls by 74 percentage points).

For prisons, 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.

The situation is mirrored in the police pillar, where the women tend to be clustered amongst the lower ranks. As of January 2017, almost all states had a higher concentration of women in the constabulary. Tamil Nadu, Haryana, Madhya Pradesh and Uttarakhand had negative drop-offs i.e. the share of women among officers was higher than the share of women in total police. Interestingly, the largest drops were seen in Maharashtra and Bihar (both at 6.2 percentage points).

### States improving gender share slowly

The share of women across police and prisons is steadily increasing, though at a slow pace. When it comes to improvements in prison and police capacity, Bihar owing to a lower baseline was able to outperform states like Kerala and Maharashtra. On increasing the share of women in police, and the share of women officers, Maharashtra and Kerala both register a decline in the representation of women in these two indicators. At an increase of 1.33 percentage points, Bihar shows the largest rise in share of women in the police.

The India Justice Report evidences such gaps and deficits at the level of each State and UT, allowing perusers to realise the urgency needed in repairing the system. This will allow duty holders and policymakers to identify where weaknesses are and undertake appropriate interventions with ease, working towards improving the overall capacity of the justice system to deliver to all citizens.