

Kerala has least vacancies while Uttar Pradesh has the highest

Kerala has emerged as the leading state, among 18 large states, in having the least vacancies across its Police, Prisons, Judiciary and Legal Aid. The state, which was able to keep its vacancies at levels lower than most other states, narrowly beat Maharashtra and Odisha.

This is one of the findings based on 16 indicators which measures human resource capacities, 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.

Human resources are the backbone on which the pillars of the justice system rest. As a theme, it takes account of the personnel sanctioned by the state and that which is available on the ground to perform the tasks expected of them.

States’ human resource capacities

While Kerala, Maharashtra and Odisha were able to reduce their vacancies across different categories, others like Uttarakhand, Jharkhand, Bihar and Uttar Pradesh struggled to keep their vacancies in check. Uttar Pradesh, interestingly, has high vacancies (above 20%) in all but one single human resource profile (correctional staff in prisons) measured by this report, across the four pillars.

Amongst the small states, Himachal Pradesh had the least gaps between its sanctioned functionaries and the actual. This was followed closely by Goa and Meghalaya. Mizoram, with its high prisons and judiciary vacancies, came in last.

Vacant seats in the judiciary

Not a single High Court or state’s subordinate judiciary had filled all its sanctioned judicial posts. Subordinate court vacancies ranged from a figure as low as in Maharashtra (4.5 per cent) to more than half the sanctioned posts being vacant like in Mizoram (52 per cent). Bihar, Gujarat, Jharkhand and Uttar Pradesh all had high judicial vacancies in the subordinate courts of over 30 per cent, while Maharashtra, Tamil Nadu and West Bengal had less than 12 per cent.

Each of the 18 Large and Mid-sized states had High Court judge vacancies of above 25 per cent i.e. one in every four sanctioned High Court judge positions had not been filled. At the level of

subordinate courts, six of the 18 states (Odisha, Karnataka, Uttar Pradesh, Jharkhand, Gujarat and Bihar) had vacancies of above 25 per cent.

At an all-India level, in 27 states and UTs, there is just one subordinate court judge for over 50,000 people. This includes seventeen of the 18 Large and Mid-sized states, where 90 per cent of the country's population resides. This includes Haryana, Punjab, Maharashtra and Kerala. However, in West Bengal, Bihar, Uttar Pradesh, Telangana and Andhra Pradesh, the ratio exceeds one judge per lakh population at the subordinate court level. Among the small states, Goa, at 30,386, had the best judge to population ratio at the subordinate court level

High vacancies among prison staff

On an average, vacancies across prison profiles ranged from 33 per cent to 38.5 per cent with the highest numbers being at the level of officers and correctional staff. With the exception of Chandigarh, Kerala and Nagaland, all states registered high levels of vacancies in 2016 across the five types of profiles for which vacancies were analysed.

At the cadre staff level, 17 states and UTs had a vacancy of above 25 per cent. Uttarakhand had the highest vacancy of 72 per cent, followed by Jharkhand (69 per cent) and Bihar (66 per cent). All the small states registered cadre staff vacancies at less than 30 per cent. At nine per cent, Meghalaya had the least vacancies.

As many as 22 of 36 states and UTs had prisoner officer vacancy levels of over 25 per cent: Jharkhand had the highest at 70 per cent, followed by Uttarakhand at 68 per cent. Among the small states, Arunachal Pradesh had a vacancy of 50 per cent, while Goa had the lowest at 11 per cent.

Against the sanctioned number, there were also vacancies in the positions of medical officers, medical staff and correctional staff. Uttarakhand had a vacancy of 100 per cent at the medical officer level. Barring the Andaman and Nicobar Islands, Chandigarh, Goa, Kerala, Meghalaya, Nagaland, Puducherry and Tripura, twelve states and UTs including Delhi, Karnataka, Jharkhand and Madhya Pradesh, had a shortfall of 50 per cent.

Only four states — Jharkhand, Uttar Pradesh, Kerala and Nagaland — had no vacancies at the correctional staff level. But a closer look reveals that Uttar Pradesh, with a prison population of nearly 100,000 inmates had only one sanctioned post for a correctional officer, while Kerala, with a much lower prison population (of 7,073 inmates), has the highest at 25.

Missing staff: police

India — the second most populous nation in the world — at 151 police persons for 100,000 population has one of the lowest police to population ratios in the world.

For the constabulary, amongst all the states and UTs, Kerala, Nagaland, Tamil Nadu, Delhi and Andaman and Nicobar Islands were the only ones that had reached the sanctioned strength. Of the 18 large and mid-sized states, six states: Haryana, Bihar, West Bengal, Jharkhand, Gujarat and Uttar Pradesh had a shortfall of at least 25 per cent. Uttar Pradesh, with a shortfall of 53 per cent, was working at less than half its sanctioned capacity. The seven Small states did relatively better, with shortfalls in Sikkim, Goa and Himachal Pradesh at less than 7 per cent. Mizoram, however, was short by 20 per cent.

All states and UTs registered various degrees of officer shortfall except Sikkim, a small state, which exceeded its sanctioned strength; Lakshadweep's vacancies stood at 66 per cent; Uttar Pradesh's at just below 63 per cent, Andaman and Nicobar had 56 per cent vacancy, and Jharkhand 44 per cent.

Bihar's ratio was one police person for 1,663 people, followed by West Bengal, where it was one for every 1,209. Amongst the Small states, the perceived responsibility of a single officer was highest in Himachal Pradesh, at a ratio of a single police person for 679 persons

Alarming, over the last five years, on an average, only 6.4% of the police force have been provided in-service training. That means that over 90% deal with the public without any up-to-date training.

Uneven improvements over time

On an average, however, only about half of the 18 Large and Mid-sized states have managed to reduce vacancies over a five-year period. Gujarat had consistently reduced its vacancies across all pillar posts and positions, the only ranked state to do so, while Jharkhand had seen an increase in its vacancies over time. Almost all states, barring Rajasthan, Gujarat and Uttar Pradesh, saw an increase in High Court judges.

Amongst the Small states as well, states show an uneven intention to improve on vacancies, with almost all states increasing their vacancies of cadre staff and prison officers, and High Court judges.

In general, however, in the five-year period from 2012-2013 to 2016-2017, states had done better in reducing judge vacancies at lower levels than High Court levels. Eight states had reduced vacancies at the lower levels, but only three had done so at the High Court level. Gujarat and Rajasthan were the only two states to have reduced at both levels

Improvements in prisons has also been uneven. Between 2012 – 2016, Kerala, Karnataka, Chhattisgarh, Gujarat, West Bengal, Haryana, Bihar and Maharashtra reduced vacancies at both officer and cadre staff levels. Tamil Nadu (among the Large and Mid-sized states) and

Tripura (among Small states), however, showed an increasing trend in officer vacancies, rising by eight and seven percentage points respectively.

From 2011 to 2017, constabulary vacancies increased in 10 of the 25 ranked states. In 14 other states, vacancies at the officer level saw an increase. In Kerala, shortfalls among constables reduced (by 1.4 percentage points) but increased at the officer level (by 3.3 percentage points). In West Bengal and Madhya Pradesh, it was the opposite.

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.
