

Uttar Pradesh among top 10 in intention to improve

Among the 18 large and Mid-sized states, Uttar Pradesh is showing a greater intention to improve its capacities across the three pillars of the Justice system: Police, Prisons and Judiciary than most other states. Measured over a period of five years, the state showed greater inclination to improve on a number of ‘trend’ indicators such as improvement in the share of women in its police force, improving the share of women functionaries in prison, increasing its prison budget utilisation, the cases pending per High Court judge and reducing vacancies among High Court judges, among others.

This is one of the findings, on the intention of states to improve their 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.

The Report makes use of 23 ‘trend’ indicators to assess whether over time (taken as 5 years) there has been improvement or deterioration in that theme area and overall. It also shows the intention of the respective government to improve the situation or whether they are content to let things stand as they are. These ‘trend’ indicators have been measured for the Police, Prisons and Judiciary pillars of the justice system.

Overall intention to improve

Among the 18 Large and Mid-sized states, West Bengal and Maharashtra showed the greatest intention to improve their capacities. This was followed by Gujarat, Haryana and Punjab. Among the Small states, Goa, Meghalaya and Himachal Pradesh topped the table on intention to improve capacity. Goa, which achieved a higher score in this ‘trend’ ranking than West Bengal, showed improvements in capacity in the three pillars: Police, Prisons and Judiciary.

Karnataka, Jharkhand and Uttarakhand showed the least intention to improve, with a number of their indicators having worsened in their capacity to deliver over time. Uttarakhand’s lack of improvement is seen in the reduction in share of women in police, increasing vacancies at the officer level, increase in the share of undertrial prisoners and cadre staff vacancy. Interestingly, among the Large states, Uttarakhand has had the highest increase in the cases pending per High Court judge over 5 years.

Amongst the Small states, Arunachal Pradesh came in last, despite improvements in all of its police trend indicators. Its position drew from its increasing prison staff and officer vacancies, increasing workload per functionary, increasing vacancies in judges across subordinate courts and declining case clearance rates.

National trends on vacancy

Human resources are the backbone on which the pillars of the justice system rest. As a theme, human resources takes account of the personnel sanctioned by the state and that which is available on the

ground to perform the tasks expected of them. On an average, however, we see that only about half of the 18 Large states had 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.

Increase in case backlog

Over a five-year period, only a handful of states were able to clear case backlog. The case clearance rate, or the annual number of cases that are cleared in a year measured against the cases freshly filed in that year declined in most states. Tamil Nadu, Odisha, Himachal Pradesh and Meghalaya were the only states which showed an increase in the case clearance rate in the High Court and across subordinate courts, over five years.

Gender: Bihar shows the way

When it comes to improvements in prison and police capacity, Bihar was able to outperform states like Kerala and Maharashtra (overall table-toppers). On the matter of 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.

Pillar-wise Findings

1. Over five years, undertrial population increasing

Only 13 states and UTs — including Arunachal Pradesh, Andaman and Nicobar Islands, Chandigarh, Goa, Mizoram, Jammu and Kashmir, Chhattisgarh, Sikkim, Punjab, Assam, Tamil Nadu, Kerala and West Bengal — had managed to annually bring down their undertrial prisoner population, by up to 5 percentage points over five years.

2. Over five years, police unable to fill vacancies

Only ten states that have reduced constable vacancies, over five years. 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. These kinds of trends mean that the ratio between officers and constabulary continuously fluctuates rather than being stable

3. Over five years, judicial vacancies have grown

Even in states where judges are most needed, vacancies were on the rise. For example, Bihar and Uttar Pradesh, two of the five states with the highest number of pending cases, also showed subordinate

court vacancies growing over five years (financial year 2013–2014 to 2016–2017). In the same period, Punjab and Haryana had made some progress, with fewer vacancies, a higher judge to population ratio, and much fewer cases pending for over five years.

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.

