

DIVERSITY

No state/UT fulfils all caste quotas at the district court level

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

Laws and policies across states prescribe reservations in public institutions based on gender and caste and more recently for persons with disabilities. The aspiration is to repair the gulf in representation of consistently underrepresented groups in all spheres—with governments leading the way. Caste-based reservations vary from state to state and policy prescriptions suggest an incremental inclusion of women to an aspirational minimum of 33%.

State wise data on caste diversity in high courts remains unavailable. However, a Department of Justice Report to the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice¹ is reported to have stated that, “from 2018 to December 2022, a total of 537 judges were appointed to the high courts, of whom 1.3% were Scheduled Tribes, 2.8% Scheduled Castes, 11% were from the Other Backward Castes category and 2.6% were from minority communities.²”

At the district court level no state/UT could fully meet all its Scheduled Caste, Scheduled Tribe and Other Backward Caste quotas. Only ten states/UTs³ met their Other Backward Caste quotas. Tamil Nadu has the highest percentage of reservation at 50% while Chhattisgarh fulfilled their quotas for Scheduled Castes and Other Backward Classes. Telangana fully met

¹ Press Trust of India (2023), Only 15 pc judges appointed to HCs in last 5 yrs from backward communities: Dept of Justice to Par Panel, *The Economic Times*. [Online]. Available at : https://economictimes.indiatimes.com/news/india/only-15-pc-judges-appointed-to-hcs-in-last-5-yrs-from-backward-communities-dept-of-justice-to-par-panel/articleshow/96661214.cms?utm_source

²The six communities notified as minority communities under Section 2(c) of the National Commission for Minorities(NCM), Act, 1992 are Christians, Sikhs, Muslims, Buddhists, Parsis and Jains.

³ D&N Haveli & Daman & Diu, Jammu & Kashmir, Telangana, Chhattisgarh, Tamil Nadu, Maharashtra, Andhra Pradesh, Sikkim, Kerala, Punjab

its quota for Scheduled Tribes and Other Backward Classes. Manipur (254%), Chhattisgarh (128%) and Gujarat (108%) exceeded their Scheduled Caste quotas.

Uttarakhand, Telangana and Arunachal Pradesh filled their Scheduled Tribes quotas. Himachal Pradesh (91%) is closest to fulfilling Scheduled Tribe quota requirements, while Gujarat could only fill 2%. Seven states/UTs⁴ have less than 10% Scheduled Tribe judges and four states/UTs⁵ have no reservations for Scheduled Tribes.

Slow integration of diversity in the police

As of January 2022, Scheduled Castes make up 15.99% of the total working police strength in the police (against 16%⁶ share in the population), Scheduled Tribes 11.77%, Other Backward Classes 30.79% and women 11.75%. Data on representation of different religious groups remains unavailable since 2014.

Karnataka remains the only state to consistently meet its quota for SC, ST and OBC, both among officers and the constabulary. All other states/UTs continue to fall short of their targets in at least one or the other reserved category despite decades of reservations.

More states are able to meet quotas within the constabulary rather than at the officer level. While six states/UTs⁷ met their SC constable quota, only five⁸ met the SC officers' quota. Twelve states⁹ met the ST constable quota, while only seven¹⁰ met their officer quota. OBC quotas were filled by ten states/UTs¹¹ at the officer level and thirteen¹² at the constabulary level.

Glass ceiling remains firmly in place for women

⁴ Nagaland, Odisha, Punjab, West Bengal, Gujarat, Maharashtra, Kerala

⁵ Chandigarh, Haryana, Puducherry, Mizoram

⁶ Office of the Registrar General and Census Commissioner of India, Ministry of Home Affairs, *Census of India*, 2011. Available at: <https://censusindia.gov.in/census.website/data/census-tables>

⁷ Sikkim, Karnataka, Manipur, Gujarat, Punjab, Tamil Nadu.

⁸ Gujarat, Manipur, Karnataka, Goa, Madhya Pradesh.

⁹ Bihar, Lakshadweep, Karnataka, Ladakh, Telangana, Uttarakhand, Himachal Pradesh, Tamil Nadu, Odisha, Rajasthan, Chhattisgarh, Arunachal Pradesh.

¹⁰ Ladakh, Karnataka, Telangana, Bihar, Himachal Pradesh, Delhi, Lakshadweep.

¹¹ Punjab, Karnataka, Telangana, Puducherry, Andhra Pradesh, Jharkhand, Odisha, Tamil Nadu. Chhattisgarh, Kerala.

¹² Odisha, Andhra Pradesh, Chhattisgarh, Punjab, Karnataka, Puducherry, Jharkhand, Uttar Pradesh, Telangana, Bihar, Kerala, Tamil Nadu, Gujarat.

Most states have their own specific quotas for how many women there should be in the police force. While six UTs¹³ and nine states¹⁴ have a target of 33%, elsewhere, targets range from Bihar's 35%¹⁵ to 10% in Arunachal Pradesh, Meghalaya and Tripura. Five states/UTs,¹⁶ including Kerala and Mizoram, have no reservations. Himachal Pradesh has recently notified 25% vacancies reserved for women at the constabulary level. Nationally, in 2022, women account for only 12% in the police force - a marginal increase from 10% in 2020. At the officer level, the increase is just 1% from 7% in 2020 to 8%.

In the judiciary, between 2020 and 2022, the high courts saw only a marginal increase in women's representation - from 11% to 13%. In some states, the percentage of women in the high courts dropped: Andhra Pradesh went from 19 to 6.6% followed by Chhattisgarh that slumped from 14.3 to 7.1%. Bihar, Tripura, Manipur, Meghalaya and Uttarakhand continued to have no women judges in their High Courts.

Emblematic of the glass ceiling, 35% women at the district court level drop to 13% at the high court level. Distribution of women judges across states is, however, uneven. Among the small states, Goa with 70% has the highest percentage, followed by Meghalaya (63%) and Nagaland (63%). Among eighteen large and mid-sized states, Gujarat (19.5%) has the least and Telangana (52.8%) has the largest share of women judges. In other large states like Jharkhand and Bihar women judges account for 23% and 24% respectively.

¹³ A&N Islands, Lakshadweep, DNH & DD, Puducherry, Delhi, Chandigarh.

¹⁴ Andhra Pradesh, Gujarat, Haryana, Jharkhand, Madhya Pradesh, Odisha, Nagaland, Sikkim, Punjab.

¹⁵ According to the Bihar government rule there is 35 per cent reservation for women and 3 per cent reservation for Backward Caste women.

¹⁶ Jammu & Kashmir, Kerala, Mizoram, Goa, Ladakh.

About India Justice Report 2022

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