

JUDICIARY

Over five years 10 states/UTs have seen a negative trend in case clearance rates at both lower court and high court level.

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The third edition of the India Justice Report continues to compare and track the improvements and persisting shortfalls of 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. The ranking is based on quantitative measurements of budgets, human resources, infrastructure, workload, diversity across police, judiciary, prisons and legal aid in 18 large and medium sized states with a population of over 1 crore and 7 small states. Data for 8 Union Territories (UTs) and 3 other unranked states is also provided. The IJR 2022 not only provides pillar and theme wise comparisons between similarly situated states but also marks out what improvements and shortfalls have been made within each state's own pillars and themes over time. These mark out clear discernible trends and directions.

Rank: : Tamil Nadu among large and mid states and Sikkim amongst small states continued their top position for the third consecutive time.

Biggest gains: Karnataka rose ten positions from twelfth rank in 2020 to second in 2022 due to improvements in reducing high court judge vacancies from 50% to 21%, raising the share of women judges in subordinate courts and improving per capita spend.

Biggest losses: Rajasthan dropped seven ranks from the tenth to seventeenth place, owing to persisting judge vacancies at the high court and district court levels, as well as a court hall shortage

Case clearance rate indicates the rate at which courts dispose of cases. Courts that have a case clearance rate of less than 100 dispose fewer cases than those being filed, thus creating a backlog. Analysed over five years, 10 states and UTs¹ have decreasing clearance rates both at high court and district court levels. Amongst these, Rajasthan high court has seen the largest drop of -5.78 percentage points and its subordinate courts have seen the drop of -0.07 percentage points.

¹Rajasthan, Uttarakhand, Maharashtra, Himachal Pradesh, Chhattisgarh, Uttar Pradesh, Nagaland, Assam, Delhi, Madhya Pradesh

22 states/UTs have more than 10% of their cases pending for more than a decade.

A Sizable percentage of cases remain pending for longer periods of time in high courts. 22 states/UTs² have more than 10% of their cases pending for more than a decade. High courts of Allahabad and Calcutta have around 40% of the cases pending for more than a decade. In the High courts of Punjab & Haryana and Andhra Pradesh one in every 4 cases have been pending for a decade or more.

Judge vacancies increasing in Goa, Maharashtra, DNH & DD and Rajasthan over five years

Appropriate judicial strength helps to better address the ever increasing workload in courts. While a lot of states (28 states/UTs³ at high court level and 16 states/UTs⁴ at district court level) are decreasing judge vacancies. Other states/UTs like Rajasthan, Maharashtra , Goa and DNH & DD record increases over five years (2018 to 2022) at both levels.

Over the past five years total cases pending in subordinate courts are increasing in all states/UTs except Tripura

With an overall 4.8 crore pending cases in 2022, there has been an increase in pending cases in all states/UTs except Tripura at the district court level over five years (2018-2022). The highest increase has been in subordinate courts of Haryana (18.3 percentage points) and Chandigarh (17.4 percentage points). On the contrary, Tripura has seen a decrease in pending cases by -4.6 percentage points. At high court level, total pending cases have increased in 26 states/UTs⁵. The highest increases are in the high courts of Himachal Pradesh (24.7 percentage points) and Rajasthan (20.8 percentage points).

²Delhi, Rajasthan, Gujarat, Tamil Nadu, Puducherry, Karnataka, Bihar, Jharkhand, Odisha, Andhra Pradesh, Goa, Maharashtra, Telangana, Chandigarh, Punjab, Haryana, Kerala, Lakshadweep Madhya Pradesh, West Bengal, A&N Islands, Uttar Pradesh

³ Himachal Pradesh, Odisha, Meghalaya, Uttar Pradesh, Kerala, Lakshadweep, Punjab, Chandigarh Haryana, Puducherry, Tamil Nadu, Delhi, Chhattisgarh, Sikkim, A&N Islands, West Bengal, Manipur Nagaland, Mizoram, Assam, Arunachal Pradesh, Telangana, Jharkhand, Karnataka, Tripura, Andhra Pradesh, Jammu & Kashmir and Ladakh

⁴ Arunachal Pradesh, Jharkhand, Tripura, Delhi, Bihar, Madhya Pradesh, Uttarakhand, Meghalaya Uttar Pradesh, Chhattisgarh, Punjab, Assam, Nagaland, Karnataka, Odisha, Gujarat

⁵ Himachal Pradesh, Rajasthan, Nagaland, Mizoram, Assam, Arunachal Pradesh, Goa, Maharashtra Chhattisgarh, Delhi, Bihar, Uttarakhand, Gujarat, Andhra Pradesh, Madhya Pradesh, Meghalaya, Telangana, Punjab, Chandigarh, Haryana, Karnataka, Uttar Pradesh, Kerala, Lakshadweep, Odisha

More than half of the high courts were functioning with one-fourth of their sanctioned judicial strength missing

As at December 2022, High courts of 20 states/UTs⁶ worked with a shortage of judicial officers, out of these Rajasthan, Gujarat, Madhya Pradesh and Himachal Pradesh had more than 40% judge vacancies. Odisha, Bihar, Chhattisgarh, Uttarakhand, Manipur and Tripura had more than 30% judge positions lying vacant. Arunachal Pradesh, Sikkim, Nagaland, Mizoram and Assam had zero vacancies.

On average, there is one high court judge for 17 lakh (1.7 million) people and one subordinate court judge for 71,000 people

Population per high court judge varies dramatically across states. While in states like Bihar and Rajasthan there is one high court judge for 36 lakh and 30 lakh people respectively, in other states/UTs like Sikkim, Delhi and Himachal Pradesh population per high court judge is 2.2 lakh, 4.6 lakh and 7.4 lakh respectively.

In smaller states, the population per subordinate court judge varies from 1.4 lakh in Puducherry to around 30,000 in Mizoram and Delhi.

At the district-court level no state/UT could fully meet all its Scheduled Castes, Scheduled Tribes and Other Backward Classes quotas.

Only Telangana and Chhattisgarh fulfil quotas in two categories. Telangana has fulfilled its Scheduled Tribes and Scheduled Castes quota and Chhattisgarh fulfils Scheduled Castes and Other Backward Classes category. West Bengal is the only state that has not filled any of its diversity quotas.

⁶ Delhi, Meghalaya, A&N Islands, West Bengal, Puducherry, Tamil Nadu, Goa, Maharashtra, Odisha, Bihar, Chhattisgarh, Uttarakhand, Uttar Pradesh, Manipur, Tripura, Himachal Pradesh, Madhya Pradesh, Gujarat, Rajasthan and DNH & DD

About India Justice Report 2022

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