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India Justice Report

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Why is in news? India Justice Report 2022 was released by Tata Trusts recently

A brief about the Report

In a unique initiative, the India Justice Report ranks individual Indian states in relation to their capacity to deliver access to justice.

In 2017, the Trusts brought together a group of sectoral experts — Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative, DAKSH, Tata Institute of Social Sciences - Prayas and Vidhi Centre for Legal Policy — to develop a report that would measure the structural capacity of state-based instrumentalities of the justice system against their own declared mandates.

This was done with a view to pinpoint areas that lend themselves to immediate solutions. The first ever ranking was published in November 2019.

The third edition of the report focusses on the comparisons and tracks the rise and fall in each state's structural and financial capacity to deliver justice, using the latest available government figures.

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 (population of over 1 crore) and seven small states.

Data for eight unranked Union Territories (UTs) and three states is also provided. This third IJR also separately assesses the capacity of the 25 State Human Rights Commissions.

Third edition of IJR 2022

The findings come as part of the third edition of IJR 2022, released on Tuesday, which compiles and categorises data of states and UTs, based on "four pillars" of justice delivery—the police, judiciary, prisons, and legal aid.

Each pillar was analysed through the prism of budgets, human resources, workload, diversity, infrastructure, and trends (intention to improve over a five-year period), against the state's own declared standards and benchmark

It "separately assesses the capacity of the 25 State Human Rights Commissions" as well.

Highlights of 2022 Report

Status of Judicial Expenditure

The report mentions that India's justice system as a whole remains plagued by low budgets.

This could be due to the fact that "except for two union territories, Delhi and Chandigarh, no state spends more than 1 per cent of its total annual expenditure on the judiciary

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The report further reasons that most states have not fully utilised the funds given to them by the Centre and “their own increase in spending on the police, prisons, and judiciary has not kept pace with the overall increase in state expenditure

Despite this, the national per capita spending on police significantly increased from Rs 912 in 2017-18 to Rs 1151 in 2020-21.

Concerning budgets, the report states the national per capita spend on legal aid, including the expenditure of the National Legal Services Authority (NALSA) and the state/UT governments themselves, is a “meagre Rs 4.57 per annum”. Excluding NALSA, this figure drops to Rs. 3.87

Justice Delivery

It adds that out of the 18 large and medium-sized states having a population of over 1 crore each, Karnataka ranked first in “justice delivery” followed by Tamil Nadu, Telangana, Gujarat, and Andhra Pradesh, respectively. Meanwhile, Uttar Pradesh ranked 18 among the states with a population of over 1 crore each.

Issue of “vacancy”

The report flags the issue of “vacancy” in areas like the police, prison staff, judiciary, and legal aid. When it comes to the judiciary, it highlights that India has about 20,076 judges for a population of 1.4 billion, indicating a vacancy of 22 per cent among the sanctioned posts.

Among high courts, there is a 30 per cent vacancy of judges, it says, adding that “only 13% of High Court judges and 35% of Subordinate Court judges are women.”

Workload in Judiciary

On the aspect of workload in the judiciary, the report said that in 28 states, “one in every four high court cases is pending for more than five years”.

Similarly, in district courts of 11 states/UTs, one in every four cases is pending for more than five years,” the report said, adding that “the population per subordinate court judge and high court judge is 71,224 persons and 17,65,760 persons respectively”.

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Subject of “prisons”

“Prisons are over-occupied at over 130%”, with more than two-thirds or 77.1% of the prisoners still awaiting the completion of investigation or trial.

Moreover, around 25% of the police stations in India do not have a single CCTV, the report submits. It also said that the representation of women in prison staff is 13%.

Despite this, the share of jails with video conferencing increased to 84% as opposed to the previous 60% in 2020.

Status of Police

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When it comes to the “police”, the report flags the issue of inadequate women representation in the police, which currently stands at 11.75%, despite their numbers doubling in the last decade.

Moreover, about 29% of the officer positions are vacant%. The police-to-population ratio is 152.8 per lakh, whereas the international standard is 222

Subject of diversity

On the subject of diversity, the IJR states that “Karnataka remains the only state to consistently meet its quota for SC, ST and OBC positions, both among Police officers and the constabulary”, whereas in the judiciary, at the Subordinate/District Court level, no state met all the three quotas.

Only Gujarat and Chhattisgarh met their respective SC quotas. Arunachal Pradesh, Telangana, and Uttarakhand met their respective ST quotas. Kerala, Sikkim, Andhra Pradesh, Maharashtra, Tamil Nadu, Chhattisgarh, and Telangana met OBC quotas

Conclusion

The third IJR shows that states are making a substantive improvement over the last two ones in terms of adding new dimensions on diversity, training, and infrastructure. Some states have dramatically improved their performance but there is a lot that needs to be done on the whole. So far as the police is concerned there does appear to be a shortage of women officers in police. Legal aid is doing better but still a lot of people need to be provided quality free legal aid, we need to increase the confidence that people have in our services