

# COMMON CAUSE

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POLICY-ORIENTED JOURNAL SINCE 1982



## Measuring Rule of Law

Use of Data & Facts to Improve the Legal System

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Common Cause is in the vanguard of India's anti-corruption movement and the fight for stronger public institutions since the 1980s. We make democratic interventions through PILs and bold initiatives. Our landmark PILs include those for the cancellation of 2G licenses and captive coal block allocations, against the criminalisation of politics, for Internet freedom and patients' right to die with dignity. Please visit [commoncause.in](http://commoncause.in) for more information on our mission and objectives. We also run special programmes on police reforms and cleaner elections.

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# INDIA JUSTICE REPORT

## A Holistic Appraisal with Ground-Level Data

Members and friends of Common Cause know us for our commitment to citizens' access to justice. We believe that the connection between democracy and justice system runs deep. The two strengthen each other and influence our well-being as a society. An opaque and obsolete legal apparatus, on the other hand, stymies economic growth and creates discontent and upheavals. And that, in our view, is a good reason for us to be joining hands with partner organisations to take stock of our criminal justice system. Things must change for a fair and forward-looking India.

Our work on police reforms and our track record of public interest litigations (PILs) also reinforce our faith in a robust justice system. Most Common Cause PILs have secured landmark judgments on matters as varied as fair allocations of national resources, to electoral reforms, to fair appointments to constitutional posts, to patients' right to a dignified life and death. These have improved lives of fellow Indians, fought our collective cynicism, and made us believe that justice is our prerogative, not a matter of chance.

We also acknowledge that law enforcement is a demanding and labour-intensive process. It needs constant inputs and efforts from all stakeholders i.e., governments, communities, civil society, and academia. Law enforcement also needs protection from India's increasingly venal political class and the exigencies of a divisive electoral system. We have come to a situation where business as usual will only take us down. However, an honest beginning can be made by taking stock of where we stand today and by starting a conversation about where we want to be.

Common Cause has made a modest contribution to this by launching two collaborative reports as tools for reforms in the police and judicial systems. The Status of Policing in India Reports (SPIR) and India Justice Reports (IJR) are aimed at making sense of what is wrong with the current scheme of things and how matters can be improved. The reports are brought out in ways that are simple, rigorous, and policy-oriented.

Special issues of your journal have been brought out on the findings of the SPIRs in the past. This is the first time that a whole issue of your journal is dedicated to the India Justice Report (IJR).

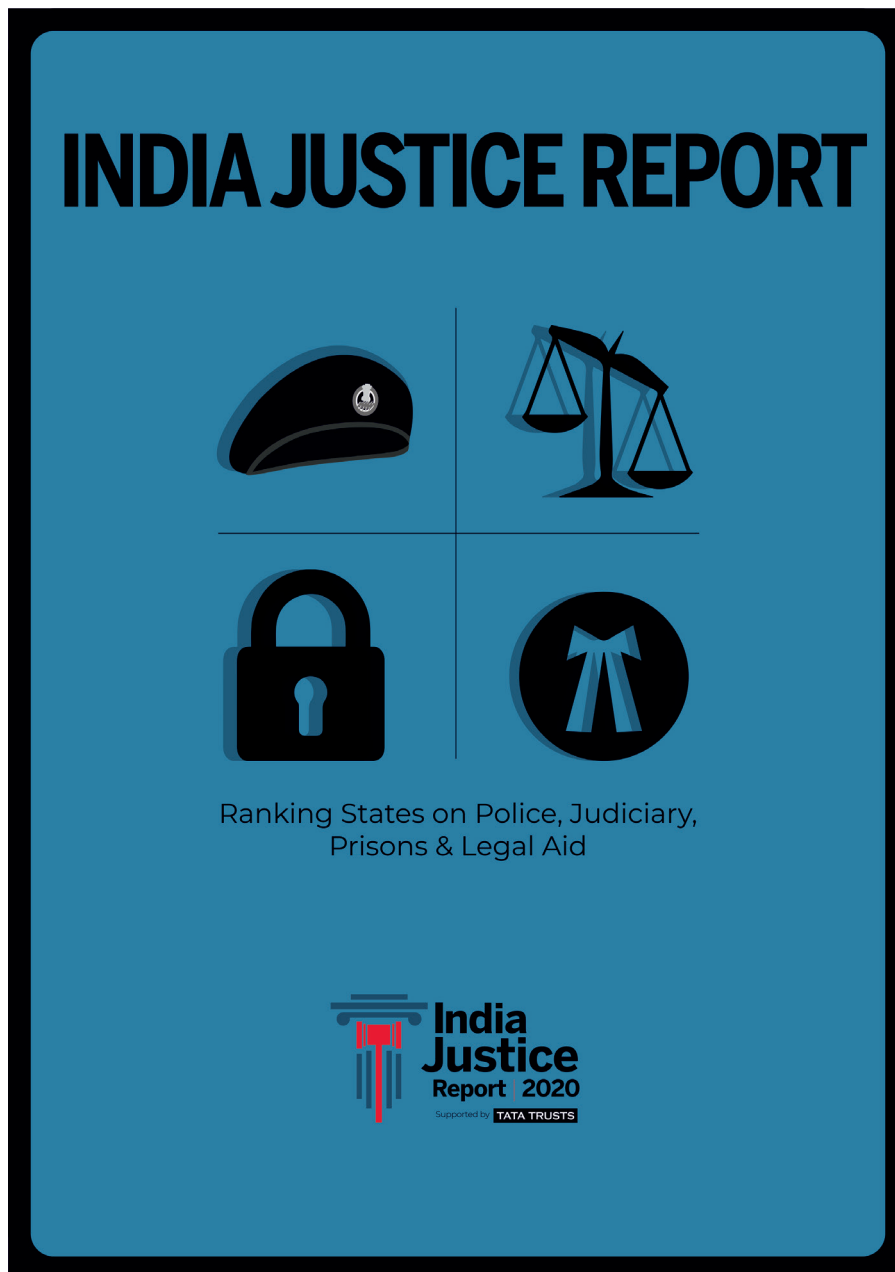
The idea is to take the readers through the whole gamut of issues covered by the IJR. The two volumes of the fact-based reports are a result of long collaborations between some of India's best-known civil society organisations, viz., Common Cause, Centre for Social Justice (CSJ), Commonwealth Human Rights Initiative (CHRI), DAKSHA, Vidhi Centre for Legal Policy, and the Tata Institute of Social Sciences (TISS-Prayas). The IJR has been edited by Maja Daruwala, a tireless campaigner for judicial reforms in India. She has outlined IJR's vision and objectives in an article specially written for our readers.

The successive IJR volumes examine the criminal justice system through its four pillars viz., police, prisons, judiciary, and legal aid. It uses the latest data – collected over time by a string of government agencies – to highlight the strengths and weaknesses of each pillar in every state of India. The data is arranged in ways that encourage constructive competition between states.

As always, your comments and suggestions would be welcome. Please write to us at [commoncauseindia@gmail.com](mailto:commoncauseindia@gmail.com).

**Vipul Mudgal**  
Editor

Please email us at [commoncauseindia@gmail.com](mailto:commoncauseindia@gmail.com) if you want a soft copy of the report.  
You can also download a PDF from [commomcause.in](http://commomcause.in)



The India Justice Report is a collaborative effort of sectoral experts— Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative, DAKSH, Tata Institute of Social Sciences (TISS - Prayas), Vidhi Centre for Legal Policy and How India Lives. The report is a unique initiative to rank individual Indian states in relation to their capacity to deliver access to justice.

IJR uses governmental data and assesses the four pillars of our justice system – Police, Judiciary, Prisons and Legal Aid. It measures the structural capacity of the justice system, highlights state-wise performance and determines improvements and shortfalls.

# JUSTICE AS AN ESSENTIAL SERVICE

## Repair, Reform, and Build Vital Capacities

Maja Daruwala\*

In India, the performance and shortcomings of judiciary, police, prisons and legal aid - four major pillars of the justice delivery system - are often complained about but rarely has their collective capacity to deliver justice been objectively assessed. Recognising this, several organisations including Common Cause, CHRI, DAKSH, TISS-Prayas, Vidhi Centre for Legal Policy, and Centre for Social Justice – all specialists in their own fields came together. To look, if you will, at the bare bones, the muscle and sinew of the system by which justice is delivered and see whether it ‘really has the capacity to deliver’: is its framework strong enough to bear the burden of what is expected of it.

With that, the India Justice Reports 2019 and 2020 (IJR) were born.

The IJR is premised on the belief that justice is an essential service. Essentially, the first of its kind, national periodic report, now in its third edition, ranks through analysis of governments’ own benchmarks and data how well the governments of 18 large and seven small states have equipped their formal justice system to administer justice to a reasonable

standard to the millions who regard it as the backbone of our democracy and guarantor of our freedoms.

Through the filters of human resources, infrastructure, workload and diversity the IJR evaluates the capacity of four major pillars of the justice system to deliver its mandate: police, judiciary, prisons and legal aid. Importantly, by comparing data over a five-year period, the IJR can measure efforts governments make year on year to improve the administration of justice. This ‘trend’ analysis helps discern each state’s intention to improve the delivery of justice and match it with needs on the ground. Each report seeks to expand and deepen the data around each pillar and the next report will explore the situation of State Human Rights Commissions.

In order to rank states in a way that would bear scrutiny and be credible, the IJR based its capacity evaluation on only those things that could be objectively measured. It does not venture into institutional culture or attitudes though these can be discerned from data. Illustratively, the low percentage of women across the justice spectrum or the chronic inability to fill caste

quotas speaks to institutional biases that perpetuate these exclusions.

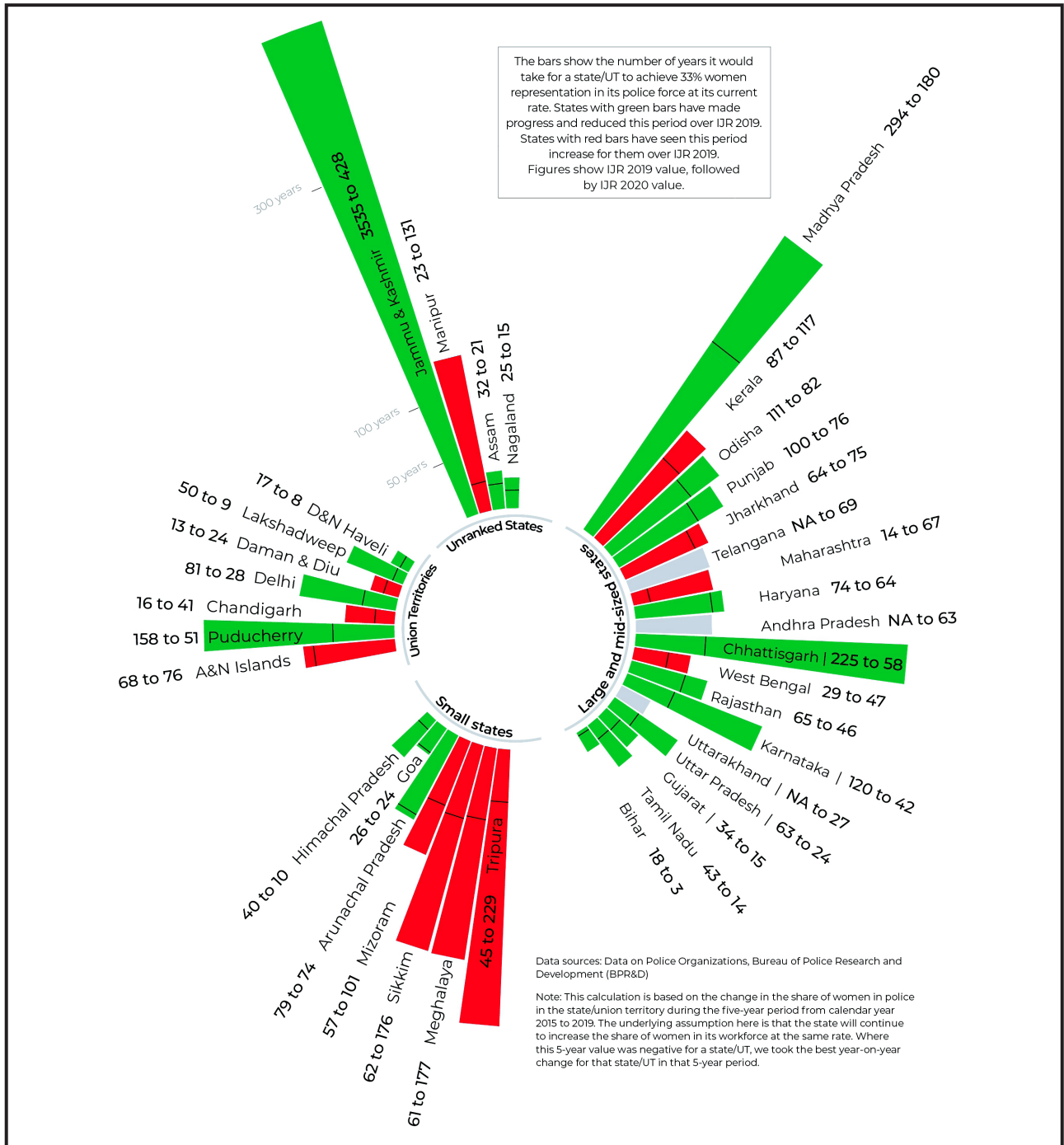
In order to gain acceptance at the highest levels of policy the IJR’s assessment is drawn from governments’ own publicly available data set alongside each government’s own proclaimed benchmarks. Juxtaposing the data of all four pillars in one place was intended to create a practical resource and ready reference for policy makers to base holistic decisions on.

At the same time the disaggregation of data across several hundred indicators lends itself to pinpointing what the fault lines and inflection points for repair and reform are, which if addressed, can have a knock on effect on the whole. A common baseline resting on objective facts also creates a place from where media and the active public can begin conversations about repair and reform, compliance and accountability.

Most of all, the IJR was intended to create a periodic index that could track improvements and back sliding and become a benchmark for excellence in justice delivery, as well as be an aspiration for achievement and

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\* Maja Daruwala is the Chief Editor of the India Justice Report



statecraft that strives to provide better mechanisms for justice delivery year on year to its inhabitants.

## The Process

In building the whole, the first

order of business was to identify major sources where the data was to be found. Primary sources included NCRB's Prison Statistics in India, NALSA's Dashboard, BPR&D's Data on Police organisations and the National

Judicial Data Grid. But beyond these, research had to delve into parliamentary papers, periodic commission reports, state budget documents, CAG reports, annual departmental reports, newsletters and more. Nothing

used could be anecdotal. Every indicator cited was referenced to an official source. To the diligent deep-diving researcher there is an enormous amount of information available but mining it is not without its challenges.

Despite this, out of over 100,000 data points the IJR could winnow out 87 comparable indicators across its six broad themes. Raw data was rebased on a common scale so that every indicator could be scored on a scale of one to ten, with one being the lowest or least desirable status, and 10 indicating the highest or best score. This is not necessarily the ideal score or what had been promised in policy or legislation but the best in class so to speak. So, Rajasthan getting 10 on say, prisons is not an indication of having fulfilled its benchmark promises of standard but rather that others have fared worse.

The IJR ascribed equal weightage to every indicator so as to create as even a playing field as possible.

Capacity evaluation requires standards against which reality can be measured. Where possible, the IJR used benchmarks laid down in official documents: in hard law (for example, Madhya Pradesh's 16 per cent reservation for scheduled castes in the police force); or via policy pronouncements (for example, legal aid has no quota for female panel lawyers, but 30 per cent to 35 per cent reservation for women for the lower judiciary).

Where there are no obvious benchmarks, recommendations made in government policy documents were relied on. For example, the Model Prison Manual, 2016 sets an ideal figure of six inmates per jail cadre staff and this was taken as the standard to be met.

Where there was no benchmark at all, the report follows the logic of higher/lower the better. For example, when assessing the number of para-legal volunteers (PLVs) per lakh population since there is no available benchmark, the IJR used the logic of higher the better i.e. states which had more PLVs received a higher score. So, among our large and mid-sized states, Chhattisgarh with 14 PLVs per lakh population received a score of 10, while UP with two received the lowest score of one.

Finally, for fairness it was meted to measure like with like, so the IJR measured 18 states with 10 million or more populations and seven with less in two separate groupings. States that had long been under the Armed Forces Special Powers Act, 1958 were not measured because their circumstances are so exceptional that they don't lend themselves to comparisons. Union territories, because their funding and responsibility is with the Centre, were also excluded from rankings. Though unranked, the IJR provides data for all these entities.

## National Findings

At the heart of the report is state

ranking. Looked at over two reports, Maharashtra came first both years. And Uttar Pradesh came last both years. Overall, on a scale of one to 10, no state even reached six. In the first year Maharashtra scored 5.92 but in the next iteration it could reach just 5.77. UP, the most populous state in the country could not touch four. Smaller states did not reach even five though they have smaller populations to govern and deliver justice to. Interestingly, between first and last even small changes in one sub-system like improving diversity in police, filling judge vacancies, or improving prison budgets worked to significantly improve state rankings. Uttar Pradesh, for instance, which had 53 per cent vacancies in the constabulary and 63 per cent among officers in 2017 jumped three spots in the police ranking to fifteenth, owing largely to recruitment drives that have reduced vacancies in 2020. This has had a positive impact on the share of officers in the police and improved the number of women personnel.

At an all-India level, the IJR confirmed all the common impressions public discourse frequently comments on and highlights. But indisputable figures provide them a weight and will ground an objective base for future discussion amongst policy makers and informed participation by citizens as users of the justice system.

All sub-systems are plagued

by shortage of money and shortage of staff. When budgets are increased the police get the lions share and none of sub-systemic budgets increase in proportion to increase in GDP. Legal aid provides a good example of disproportionately low allocations. Despite 80% of the population being eligible, yet, till 2019, India's per capita free legal aid spend was ₹1.05 in 2019-2020, rising to ₹1.27 per capita with the allocation of 170 crores to NALSA in 2022-2023. Over five years, this has been the highest. By contrast, in 2017, Argentina spent \$174 per capita on legal aid.

Equity and equality – something the justice system which is in the business of delivering justice to others should demonstrate within itself - - remains distant. Data availability of caste is confined to the lower echelons and not recorded at the higher levels of any sub-system. Women, wherever they are to be found are at the lower levels in each subsystem, rarely reaching the much spoken of 33%. In some states subordinate court women judges will reach 70% (Goa, as of August 2022) but further up the pecking order everywhere the proportion of women falls sharply into single figures. The glass ceiling remains intact.

The share of women in the police force is 10.5%. The aspiration is to take it to 33%. At present rates of increase, it will take 33 years to reach 33% women nationally. Among large

and mid-sized states, Odisha will take 428 years to reach 33%, while Bihar only eight years.

The IJR details human resource deficits statewise and pillar wise.

Across the board, staff shortages run at between 20 to 30%. Nationally about one in three police officers and one in five constable posts lie vacant with Bihar having the highest vacancy at 41% (constables) & 51% (officers) according to Data on Police Organisations 2021.

Medical officer shortfall is rife but can go up to 48.2% as in Uttarakhand, where the vacancy for medical officers clocks in at 90%. As per PSI 2021, there are 658 medical officers for 554,034 inmates which works out to one medical officer for 842 inmates. While medical officers' strength has reduced from 797 (December 2020) to 658 (December 2021), inmate population increased from 488,511 to 554,034.

Judge vacancies are another chronic area of concern. In 1987 the Law Commission's 120<sup>th</sup> report on manpower planning recommended 50 judges for every 10 lakh people. In 2020, the sanctioned strength works out to 21.03 judges per 10 lakh people, an improvement from 20.39 judges per 10 lakh people in 2019. 27 states/UTs had one subordinate court judge for over 50,000 people. Although judge vacancies have come down on average, one in three judges in the high court was missing and

one in four among subordinate judges. In 16 out of 18 large and mid-sized states, HC judges vacancies run at over 25%.

All this is compounded by shortfalls in infrastructure: per example, equipment and vehicles at police stations and courthalls for judges. Presently, the courthalls shortage stands at around 13%. Meanwhile, cases continue to mount and despite some brisk disposals the workload is unreal. As of December 2020, Nationally, prison overcrowding averaged at 130%. Looked at more closely overcrowding in individual jails tell a more desperate story: for instance, Mumbai Central jail's occupancy touches over 446% in September 2022. Undertrials make up 77% of this population and has risen consistently year on year, even as many more than before have to wait longer in prisons for investigations and trials to conclude. And so it goes.

But there is good news too. Despite challenges of money and manpower, there are scattered improvements to be seen in different states and different areas. Scattered because they appear to be stand alone and don't signal a pattern of addressing the problem of administration of justice holistically. The share of women has improved in almost all states, and all ranked states<sup>1</sup> have reduced average five-year vacancies in at least one post, except Kerala and Meghalaya. Compared to IJR 2019, all states



have contributed more towards legal services expenditure as of 2019-20<sup>2</sup> which suggests a mounting recognition of the value of this service.

From the original periodic flagship report, the IJR Collective has now spun off a series of satellite resources all geared to improving justice delivery. These include: state fact-sheets in over nine languages, analysis of budgets available for justice delivery, and thematic analyses of police and prisons capacity improvements and deficits, based on data from Crimes in India and Prison Statistics in India as soon as these are published.

Nevertheless, statistical measurements of structure are neither endorsements of better performance on the ground, nor translate into improved response nor public satisfaction. But they do point to essential areas that require attention repair and reform. Data can at best tell half a story and sometimes a misleading one. For example, a state that has just one sanctioned staff for a post say, a prison psychologist, can score a hundred percent improvement by increasing that to two and mask the fact that two psychologists for several thousand prisoners in the state remains wholly inadequate.

Mathematical measures cannot take account of the textures of

performance, nor of empathy, culture, attitudes, bias, or public perception. In short, at best they present the more obvious long bones of the skeleton but not the flesh, the blood, the nerves, or even the tiny synapses that make up the whole. Yet, in bringing together scattered data, the IJR presents an analysis of some essential preconditions for ensuring that duty holders have the resources to perform the tasks required in each sub-system and points to some essential areas that require urgent intervention.

Collation and statistical assessment has been no easy task. Official data continues to be collected at different times and in varied formats, transmitted to collection centres without rigorous verification, is subject to sudden category changes and disappearance of detail. It is also often recorded in non-machine-readable forms, its granularity sequestered from the public behind password protected walls or siloed within departments, and selectively shared with the public. Incomplete, delayed, or contradictory data that does not align with fiscal, recruitment and planning cycles negatively impacts its ability to be of optimum use for last mile-oriented policy planning.

## Looking Ahead

The role the justice system has to play in the coming

time will be of even greater significance, in view of the Covid 19 pandemic era. Widening income disparities, competition for scarce resources, broken social cohesion, contended space for civic participation, the asymmetries of power between individuals, communities and the state and individual desperation, will all create ever more demand for adjudication, compensation, restitution, and fair civil and criminal process than ever before.

In building back better, not only must the justice system-model itself to be people-centric but also ensure that basic human rights and justice for all are upheld. It must design itself as an enabler: to restore social cohesion, political and public morality, and economic equity in the context of this enormous disruption. Keeping equality, empathy and humanitarianism at its core, it must act now to anticipate the consequences of the virus and adapt itself to the needs of individuals, communities, and businesses.

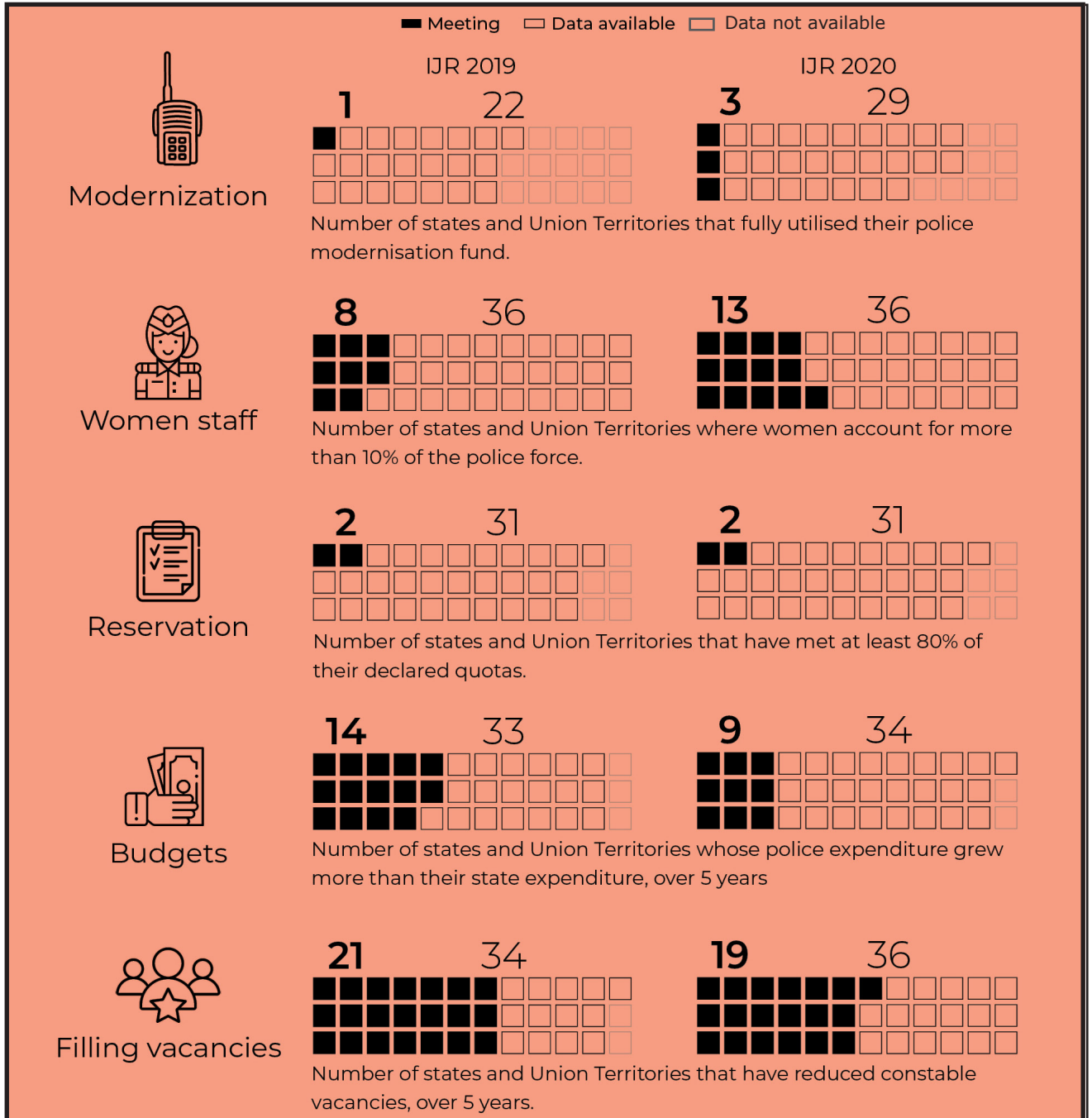
## Endnotes

- 1 Excluding Andhra Pradesh and Telangana
- 2 2017-18 figures have been repeated for Kerala, Chandigarh (not ranked), Andaman & Nicobar Islands (not ranked), Lakshadweep (not ranked)

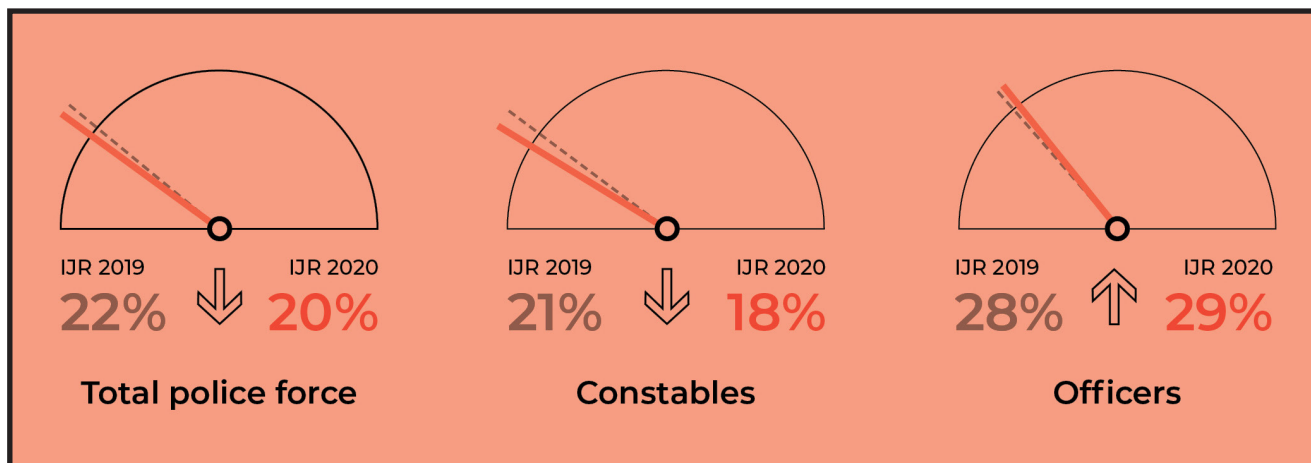
# MEASURING POLICE ADEQUACY

## Key Findings from the India Justice Report

### The Capacity Deficits



The chapter contains edited extracts from the India Justice Reports 2019 and 2020



Police is perhaps one of the most people-facing pillars of the Indian justice system, acting as the first point of interface between the public and other pillars such as the judiciary and prisons. Even as there is overlap between all the pillars, the work of the police is one of the essential contributors to the level of functioning of other pillars as well.

In the IJR series, the purpose is to study the capacity of the criminal justice system to be able to deliver justice. To make this assessment, we look at each pillar through these thematic lenses: human resources, infrastructure, diversity, workload, budgets and five-year trends. The reports also analyse the progress made by the states in some of these indicators over the years, particularly those which have clear benchmarks as set out by the states themselves. The states are then ranked against these benchmarks in comparison to one another to track the relative capacity of each pillar in the state to be

able to perform its functions effectively.

A total of 26 indicators were analysed to study the capacity of police forces across states. The IJR 2020 also looked at the status of state police citizen portals and mapped the accessibility of facilities available in these portals.

As of 2020, among the large and mid-sized states, Karnataka had the highest rank, while Madhya Pradesh ranked the lowest. Amongst the 25 small, mid-sized and large states that were ranked, 13 showed overall improvement in ranking since 2019, while 11 states showed a downward trend. The starkest amongst the latter were Punjab and Maharashtra, which respectively dropped from the third and fourth rank in 2019 to the 12th and 13th rank in 2020, primarily due to poor utilisation of the Modernisation Fund, and five-year trends in which officer and constable vacancies increased.

In this chapter, we look at some of the key findings of IJR 2020 under the police pillar.

### Diversity

Reservations for women vary from 10 to 38 percent. Following the 2009 Government of India advisory, nearly all UTs and nine states adopted a target of 33 percent reservation for women. Ten states set their quota at 10 or less than 10 percent and eight have no reservations. Tamil Nadu is the only state to have reduced its target from 33 to 30 percent since 2017. Bihar stands out with the highest target at 38 percent.

In terms of actual numbers, though, the national average for women remains a lowly 10 percent. This is a marginal increase from the 7 percent seen in 2017.

In 2017, no state had been able to fill its reservation quotas at officer levels, let alone exceed them. However, in 2020, only Karnataka has been able to fill, and exceed its SC, ST and OBC quotas by 26, 86 and 64 percent

respectively. Six states/ UTs meet or exceeded their SC quota while seven states/UTs met or exceed their ST officer quota. Eight states reached or exceeded their OBC officer quota. None of the UTs were able to meet their quotas.

It remains a concern that nationally, about one in three officers—tasked with investigation, supervision and planning—are missing from the police. In more than half of all states/UTs, the vacancies amongst officers have in fact increased significantly, with Madhya Pradesh (19 percent to 49 percent), Jammu and Kashmir (14 percent to 34 percent) and Arunachal Pradesh (18 percent to 33 percent), showing the largest jumps over three years.

Bihar and Madhya Pradesh, with one out of every two officer posts unfilled, have the most vacancies. At the other end of the spectrum, Sikkim has 22 percent more officers than its sanctioned strength. Eleven states/UTs are functioning with an officer vacancy of 30 percent or more. In other words, in 11 states/ UTs, the police force is working with less than two-thirds of its sanctioned staff. Only seven states/UTs work with vacancies below 10 percent.

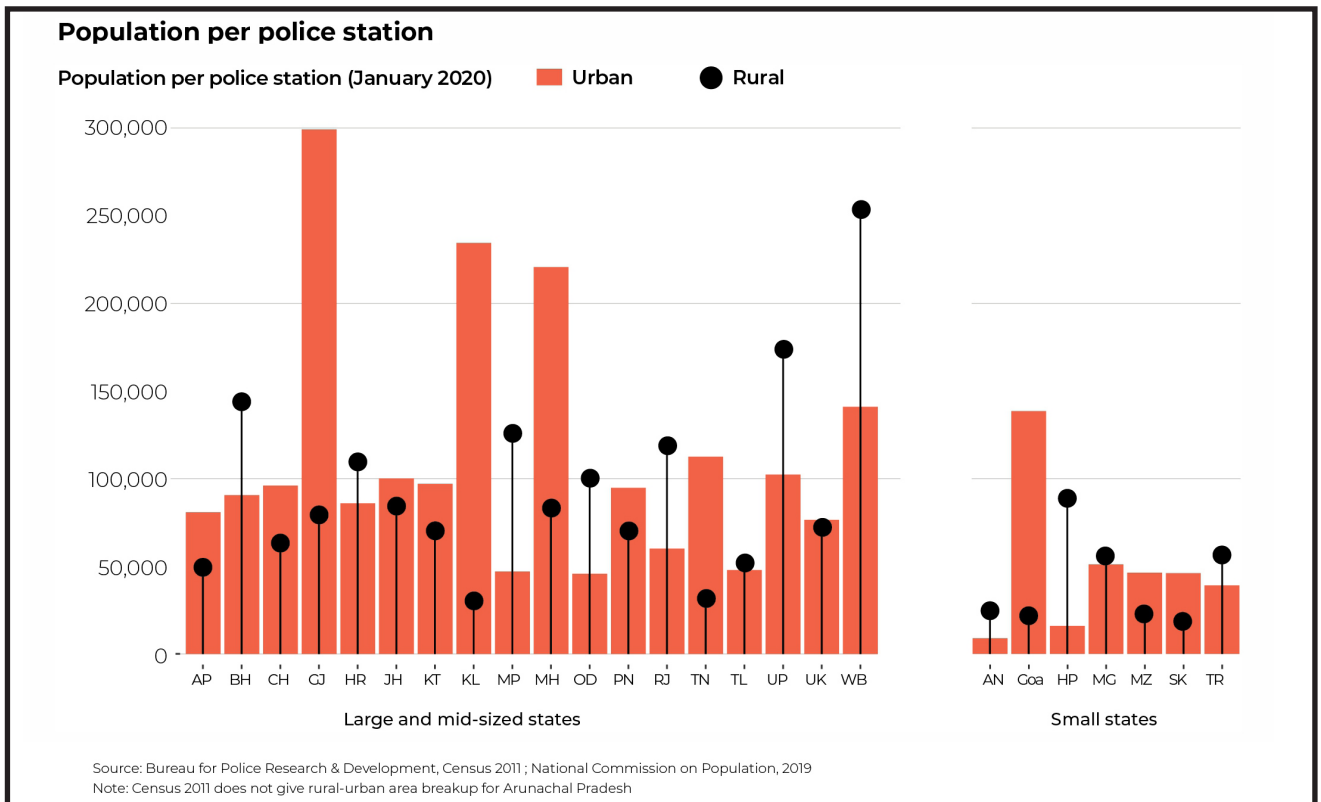
Over the five years between 2015–19, 17 states/UTs show a trend of increasing vacancy at the level of supervisory staff. Five out of seven small states similarly display a steadily increasing trend in vacancies

As of 2020, approximately one out of every five constable posts remains vacant nationally. Telangana and West Bengal have the highest vacancy at 40 percent each. The states with the least vacancy include Uttarakhand (3 percent), Himachal Pradesh (5 percent) and Goa (4 percent). Nagaland has hired 15 percent above its sanctioned numbers. Only in 11 states/ UTs are constabulary vacancies less than 10 percent.

This report notes a steady effort by states/UTs to reduce shortfalls at the constabulary level. Over a five-year period (2015–2019), shortfalls at this level reduced in as many as nineteen states/UTs.

## Training

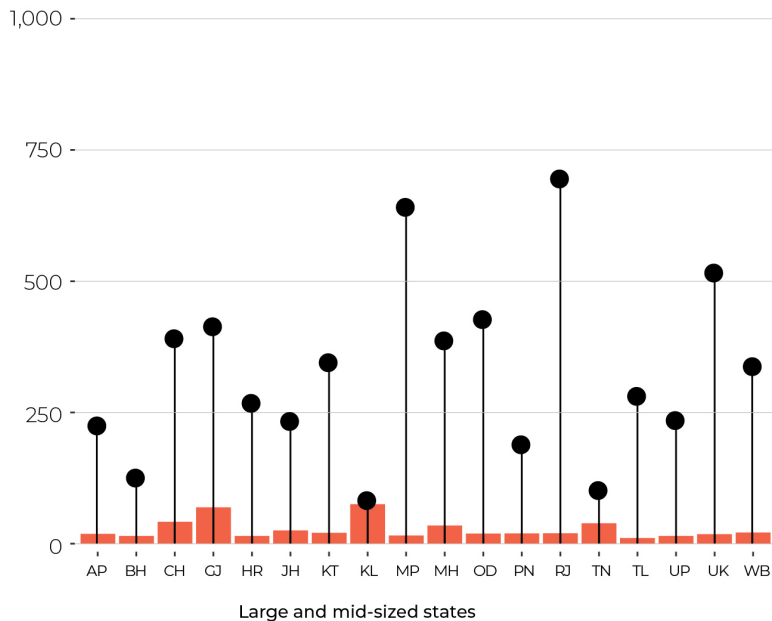
Training accounts for a mere



## Area per police station

Area per police station (sq km, Jan 2020)

Urban Rural



Source: Bureau for Police Research & Development, Census 2011; National Commission on Population, 2019  
Note: Census 2011 does not give rural-urban area breakup for Arunachal Pradesh

1.13 percent of the total national spend on policing or roughly ₹8,000 per police person. This varies a great deal from state to state. Mizoram, with a force of over 5,406, spends the highest at about ₹32,310 per head. This is followed by Delhi (₹24,809) and Bihar (₹15,745). According to BPR&D data, Kerala, with nearly 53,000 personnel, spends nothing while Tamil Nadu spends ₹2. Among the small states, Himachal Pradesh spends the least (₹511).

## Number of Training Institutes

Given its importance to capacity building, IJR 2020 adds police personnel per training institute as an indicator to measure the

adequacy of training institutes. Without exploring the content, duration, and quality of training, the data indicates that large numbers must be put through training—induction, in-service as well as other specialised trainings—in few facilities. Illustratively, on average, each of the 11 training institutes in Uttar Pradesh has an average workload burden to train over 37,700 personnel while Manipur's sole training institute is intended to handle about 35,000 trainees. In comparison, Tamil Nadu's 23 institutes are to train an average of about 5,400 personnel each. Among small states, the range varies from 3,244 personnel (Sikkim) to 18,849 personnel (Himachal Pradesh) annually

The effect of the crunch in training facilities is felt most acutely in ensuring in-service training. For example, over five years (2012–16) on average, only 6.4 percent of the police have received in-service training. That means that over 90 percent personnel, including those who deal with the public on a day-to-day basis, do not receive regular up-to-date specialised training after the first induction course.

## The Rural-Urban Divide

In several states, the average population per police station is lower in rural locations than in urban locations. However, in nearly all states, rural police stations cover a significantly higher average area than urban

police stations, the exception being Kerala.

## Modernisation Fund

The Ministry of Home Affairs Modernisation Scheme assists state forces to meet capital expenditure, such as the construction of new buildings and acquisition of technology and equipment. Data for utilisation in 2019–2028 shows an overall decline in the average utilisation compared to 2017—falling from 75 percent to 41 percent.

West Bengal, Mizoram and Nagaland were the only states which were able to utilise 100 percent of the fund. Odisha (10 percent) and Tripura (2 percent) could utilise 10 percent or less while Manipur, Meghalaya, Punjab, Chhattisgarh, Andhra Pradesh and Madhya Pradesh did not use any.

## Evaluating Technology

Technology has been recognised as an integral component of efficient policing. Whether the use of technology has indeed improved people’s access to, and experience of, basic policing services requires rigorous assessment. This report makes a beginning by looking at state police citizen portals from user’s point of view—a SMART policing initiative of the Ministry of Home Affairs and an objective under the Crime and Criminal Tracking Network & Systems (CCTNS). IJR 2020 measures compliance

by assessing whether states have indeed developed the citizen’s portal; whether they include each of the nine services listed by the MHA; and whether the information provided under each is easy to access. It did not assess whether the information was current, complete or accurate.

The portals were checked thrice from June to October 2020 and were scored on whether each of the nine services was complete in content and whether the portal was available in a state language (other than English).

Despite the push for digitisation, no state offered the complete bouquet of services it is required to; and even with the same service, there are variations in what is provided. Scored for services and language, Punjab and Himachal Pradesh provided 90 percent of expected services. This was followed closely by Chhattisgarh (88 percent), Maharashtra (88 percent) and Andhra Pradesh (86 percent). Six states provided 10 percent or less of these services. Bihar was the only state which did not have a portal, however it did offer some of the nine services on its police website.

Most sites were available in English or Hindi, but not necessarily in the state language. The Delhi portal, for instance, was available only in English while in Jharkhand and Punjab, only certain sections of the site or one of the services were in Hindi or Gurmukhi respectively.

For Jammu and Kashmir, there was no ready option to translate the page and for access, the site requested the user to download the Urdu script.

Due to these gaps, the citizen portals in their existing form are falling short of their objective of enabling easy access to select policing services.

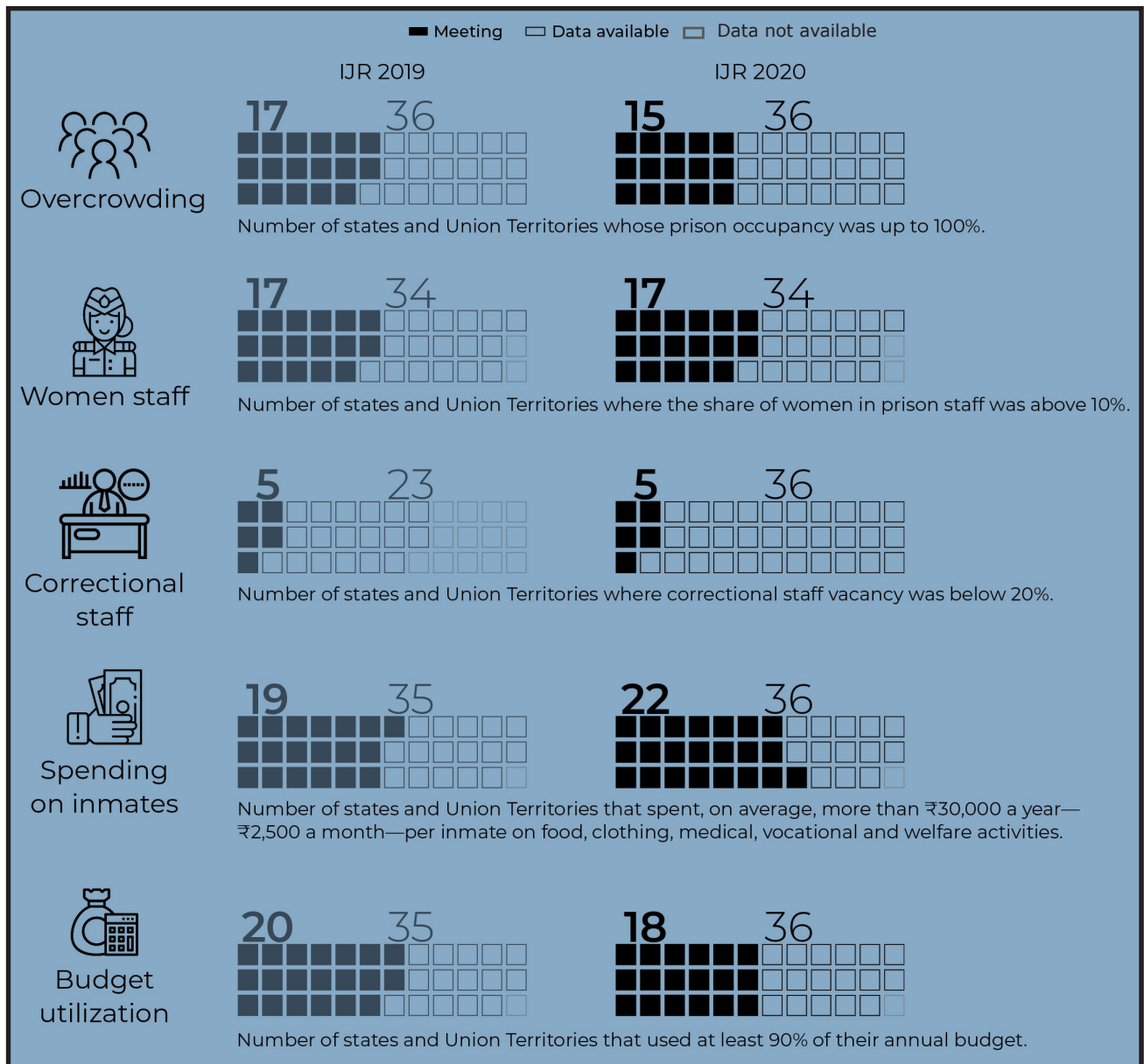
Overall Ranking - Police	
Large & Mid-size States	Rank
Karnataka	1
Chhattisgarh	2
Odisha	3
Andhra Pradesh	4
Tamil Nadu	5
Jharkhand	6
Uttarakhand	7
Gujarat	8
Haryana	9
Telangana	10
Bihar	11
Punjab	12
Maharashtra	13
Kerala	14
Uttar Pradesh	15
Rajasthan	16
West Bengal	17
Madhya Pradesh	18

Small States	Rank
Sikkim	1
Himachal Pradesh	2
Meghalaya	3
Arunachal Pradesh	4
Tripura	5
Mizoram	6
Goa	7

# INCARCERATION AND REFORMATION

## Data on Prison Capacities

### The Capacity Deficits



The chapter contains edited extracts from the India Justice Reports 2019 and 2020

# The other deficits

60%

Of the 1,350 jails across India, only 808 had a video-conferencing facility.



50,649

Number of inmates that each of the 2 correctional staff in Uttar Pradesh is responsible for.

Prison reforms have been on the national agenda since several decades, at least in policy. Several Supreme Court judgements have time and again reinforced the need for addressing chronic issues such as overcrowding in prisons, unnatural deaths in jails, lack of medical facilities, to name a few, directing states to improve prison conditions. However, as the IJR notes, even as of 2020, out of all 36 states and UTs, 21 continue to have prison population of more than a 100 percent, resulting in overcrowding. In half of the states and UTs, women comprise less than 10 percent of the overall staff and correctional staff vacancies continue to be high in a majority of the states and UTs. In UP, for instance, one correctional staff is expected to serve 50,649 inmates.

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this assessment, we look at each pillar through these thematic lenses: human resources, infrastructure, diversity, workload and budgets. The reports also analyse the progress made by the states in some of these indicators over the years, particularly those which have clear benchmarks set out by the states themselves. The states are then ranked against these benchmarks in comparison to one another to track the relative capacity of each pillar in the state to be able to perform its functions effectively.

A total of 23 indicators were analysed to study the capacity of prisons across states. The analysis showed that as of 2020, among the large and mid-sized states, Rajasthan had the highest rank, while Uttarakhand ranked the lowest. Amongst the 25 small, mid-sized and large states that were ranked, 10 showed overall improvement in prison capacity since 2019, while 14 states showed a downward trend.

Rajasthan and Telangana showed the most improvement in prison capacities, with the two states going from 12th and 13th rank in 2019 to 1st and 2nd rank respectively in 2020. These shifts were caused by reduced prison occupancy and improvements in the inmate-to-staff ratio. At officer level, half the states/UTs have about one in three positions vacant. Vacancies range from 75 percent in Uttarakhand to less than one percent in Telangana. Nationally, cadre staff vacancies stand at 29 percent. Amongst states, vacancies range from 64 percent in Jharkhand to none in Nagaland. The national average stands at one probation/ welfare officer per 1,617 prisoners and one psychologist/psychiatrist for every 16,503 prisoners.

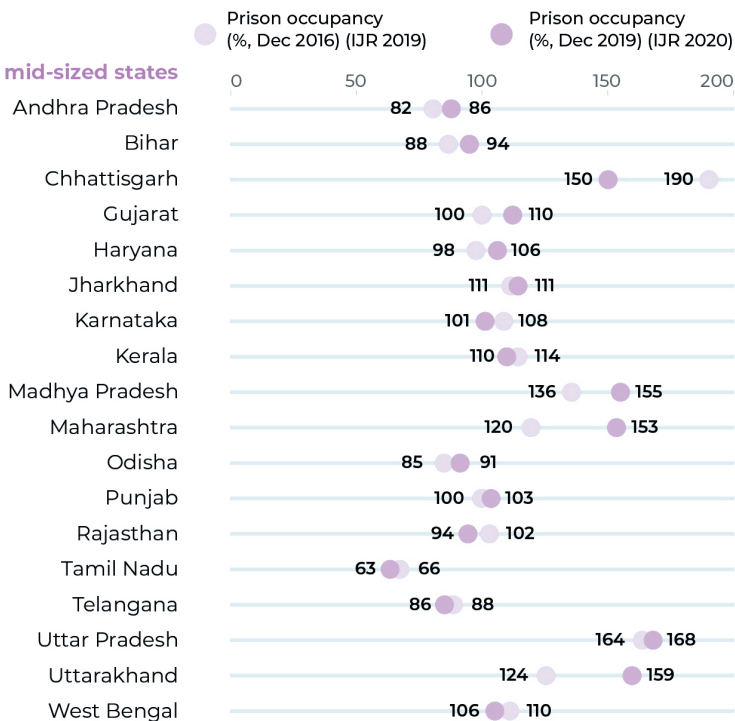
In this chapter, we look at some of the key findings of IJR 2020 under the prisons pillar.

## Diversity

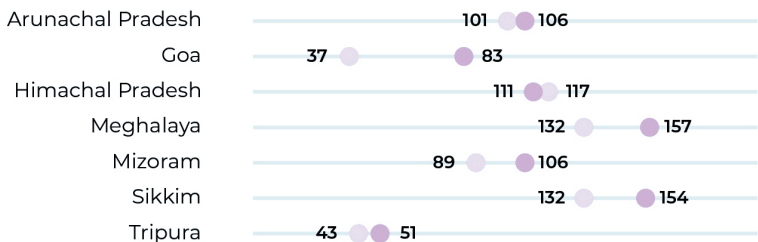
No state came close to the 33



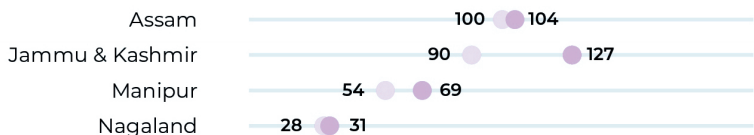
**Large and mid-sized states**



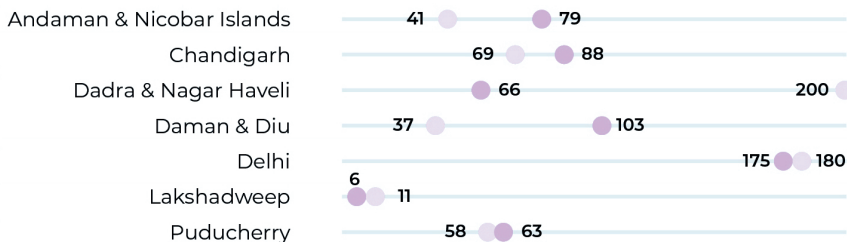
**Small states**



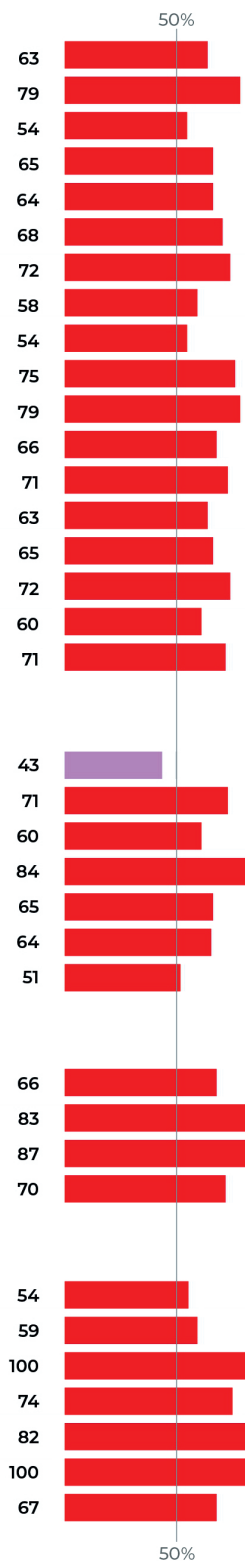
**Unranked states**



**Union Territories**



**Share of undertrial prisoners (% Dec 2019)**



Source: Prisons Statistics India

percent benchmark for gender diversity suggested in policy documents. Women accounted for about 13 percent of staff across all levels —up from 10 percent in December 2016. Over the last five years (2015–2019), 28 of 34 states/UTs made slow but steady improvements. Prominent among those that have not are Uttarakhand where the share of women fell to three percent from six percent; and Delhi where women staff fell from 15 down to 13 percent. Uttarakhand with three percent and Goa at two percent have the lowest shares of women working in prisons.

## Budget

Nationally, the average spend per prisoner has, however, gone up by nearly 45 percent. Andhra Pradesh, at ₹2,00,000 for over 7,500 inmates in 106 prisons records the highest annual spend. Fifteen out of 36 states/UTs spent less on a prisoner in 2019-20 than in 2016-17. In 2019-20, 17 states/UTs spent below ₹35,000 annually, or less than ₹100 a day per person. But the lowest spends per prisoner have gone down further: in 2016-17 Rajasthan at ₹14,700 spent the least per inmate but, currently, at ₹11,000 Meghalaya spends the least per inmate.

Utilisation of allocated funds fluctuates between beyond 100 percent (Telangana) to as low as 50 percent (Meghalaya). Overall though, over a three-year period,

states/UTs have done worse in terms of utilisation: Gujarat fell from 95 percent to 80 percent; Uttar Pradesh from 94 percent to 83 percent; and Meghalaya from 88 percent to 50 percent. By contrast, Telangana (92 percent to 103 percent), Tripura (75 percent to 99 percent), and Andhra Pradesh (77 percent to 88 percent) are amongst the states to have improved their utilisation.

## Video Conferencing

Video conferencing for remand hearings, before a charge sheet is filed was legalised in 2008. Using the latest available figures, IJR 2020 adds this facility as a rankable indicator. Sixteen states/UTs report that 90 percent of their jails have video-conferencing facilities. Five of the large and mid-sized states though had less than 50 percent; Kerala (42 percent); Rajasthan (38 percent); West Bengal (32 percent); Karnataka (31 percent); and Tamil Nadu (9 %). Despite the newfound significance in the wake of the COVID-19 pandemic, the increasing use of this technology without rigorous oversight monitoring and evaluation of its functioning continues to throw up grave doubts about its impact on the fair trial rights of accused persons. Its routinised use has prompted the Bombay High Court to provide for legal aid lawyers to be present in prison whilst undertrials are produced through video conferencing

and also warned that video conferencing facilities cannot be a substitute for producing an accused person before the trial court on scheduled dates.

## Infrastructure

Prison occupancy has increased in 25 states and union territories. Part of the reason is the high proportion of undertrials. In 35 of 36 states/UTs, inmate population has increased by 50 percent.

Infrastructure has not kept pace with the growing inmate population. While the overall prison population has grown to 4,78,600 (PSI 2019) from 4,33,003 (PSI 2016) the number of prisons has come down from 1,412 to 1,350. Several unsustainable sub-jails have been closed down, and their populations must now necessarily be assimilated into the nearest district or central prisons. It is no surprise then that overcrowding is at 19 percent, a jump of five percentage points from 2016 figures. Unnecessary arrests, conservative approaches to granting bail, uncertain access to legal aid, delays at trial, as well as the inefficacy of monitoring mechanisms such as Under Trial Review Committees continue to contribute to overcrowding. The national average disguises the fact that occupancy in 21 states/UTs is over a 100 percent. Twenty states have in fact seen an increase in occupancy in the last two years. The most

overcrowded prisons are in Delhi (175 percent), Uttar Pradesh (168 percent), and Uttarakhand (159 percent).

## Human Resources & Workload

Prison staff are divided into officers, cadre staff, correctional staff, and medical staff.

Nationally, over three years average, vacancy levels across all prison staff remains at a little over 30 percent. Some vacancies may appear to have increased because the sanctioned strength has gone up. For instance, in December 2016, Chandigarh had no vacancies at the officer level. However, now the UT has one out of two officers missing because it increased the sanctioned officer strength from the earlier four to ten.

In order to satisfy the aspiration that prisons must move from being custodial to correctional institutions, prison systems are required to have a special cohort of correctional staff—welfare officers, psychologists, lawyers, counsellors, social workers, among others. The Model Prison Manual, 2016, specifically characterises correctional work as a “specialised field”. However, the years have seen little institutional capacity being built in this area.

The Model Prison Manual, 2016, sets the standard at one correctional officer for every 200 prisoners and one psychologist/

counsellor for every 500. Only Jammu and Kashmir (194), Bihar (167), and Odisha (123) meet this benchmark. While both meet their sanctioned numbers, Uttar Pradesh, despite a prison population of over 100,000, has sanctioned only two correctional officer posts; Jharkhand, with a far lower population of 18,654 inmates, has four.

The Manual also mandates a minimum of one medical officer for every 300 prisoners and one full-time doctor in central prisons. In half the states/UTs about one in four positions remains empty. Nagaland, Lakshadweep, Dadra and Nagar Haveli, and Daman and Diu did not have any medical officers sanctioned while Uttarakhand was once again the only state to have none of their 10 sanctioned posts for medical officers filled. Twelve states/UTs have a shortfall of 50 percent or more medical officers while Punjab and Arunachal Pradesh both have more officers than their sanctioned strength.

As of December 2019, however, no state could provide all its personnel with sufficient training opportunities. Only Telangana provided training to 92 percent of its officers/staff. Tamil Nadu at 55 percent was a distant second above Maharashtra (43 percent), and Delhi (42 percent). In 28 states, a maximum of one in four could be trained. Among prison training institutes, only three regional training institutes

and some state prison training institutes cater to the needs of both officers and cadre staff. The training institutes lack adequate infrastructure and human resources like regular teaching faculty and modern teaching aids to be able to ensure that prison staff undergo refresher trainings on a regular basis.

Overall Ranking - Prison	
Large & Mid-size States	Rank
Rajasthan	1
Telangana	2
Bihar	3
Maharashtra	4
Kerala	5
Tamil Nadu	6
Andhra Pradesh	7
Madhya Pradesh	8
Odisha	9
Gujarat	10
Chhattisgarh	11
West Bengal	12
Punjab	13
Karnataka	14
Jharkhand	15
Haryana	16
Uttar Pradesh	17
Uttarakhand	18

Small States	Rank
Himachal Pradesh	1
Tripura	2
Arunachal Pradesh	3
Goa	4
Meghalaya	5
Sikkim	6
Mizoram	7

# COMMON CAUSE EVENTS

Dialogue on Social Accountability and Commons --- September 2, 2022

Anshi Beohar\*



The Foundation for Ecological Security (FES), Social Accountability Forum for Action and Research (SAFAR) and the Institute of Public Policy, National Law School of India University (NLSIU) came together to seek the endorsement of a wider group of organisations, campaigns and networks on accountability of Commons. The first in a series of dialogues on Accountability and Commons, the event was co-organised by Mazdoor Kisan Shakti Sangathan (MKSS) and School for Democracy. It was held on September 2, 2022 at National Law School of India University, Bangalore.

Academicians from NLSIU

(Dr Usha Ramanathan), TISS Mumbai (Prof Geetanjoy Sahu), Azim Premji University (Dr Himanshu Upadhyay), etc were joined by experts from the field like Mr Nikihil Dey (Mazdoor Kisan Shakti Sangathan), Mr Sreedhar Ramamurthi (Enviro-nics Trust), Kavitha Kuruganti (ASHA Kisan Swaraj), etc to conduct a discourse around understanding the governance of Commons, identifying key stakeholders and discussing ways to ensure transparency and accountability in this arena.

The first session was centred around thoughts on “What are the commons and how are they under threat today?”. The second session took a deep dive

on “Exploring accountability of the Commons: Accountability of whom and to whom?”. This was followed by a presentation on emerging concepts on social accountability of commons.

The dialogue series aims to develop a working framework for social accountability related to the commons, based on lived realities, experiences and struggles of a wide network of practitioners, activists and concerned citizens. These meetings are aimed to create a shared understanding of the challenges and possibilities for deepening accountability, transparency, and participatory governance across various manifestations of commons.

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\*Anshi Beohar is Legal Consultant (Research) at Common Cause

## International Colloquium on Criminal Justice in Numbers --- August 27-28, 2022

Radhika Jha\*



On September 27th and 28th, 2022, an International Colloquium on “Criminal Justice in Numbers” was organised by the Centre for Criminology, Criminal Justice and Victimology of the Rajiv Gandhi National University of Law (RGNUL), Punjab in collaboration with the India Justice Report team. The colloquium brought together

some of the most significant efforts in data-based research on criminal justice, both in India as well as internationally. Some of the presenters included officials from the National Crime Records Bureau (NCRB), the National Legal Services Authority (NALSA), the National Judicial Data Grid (NJDG), and serving judicial and police officers also participated

in the two-day event. Ms Radhika Jha from Common Cause presented the key findings of the Status of Policing in India Report (SPIR) series. The event was attended by the District Collector of Patiala, Mrs Sakshi Sawhney and Hon’ble Justice A G Masih, Judge, Punjab and Haryana High Court.

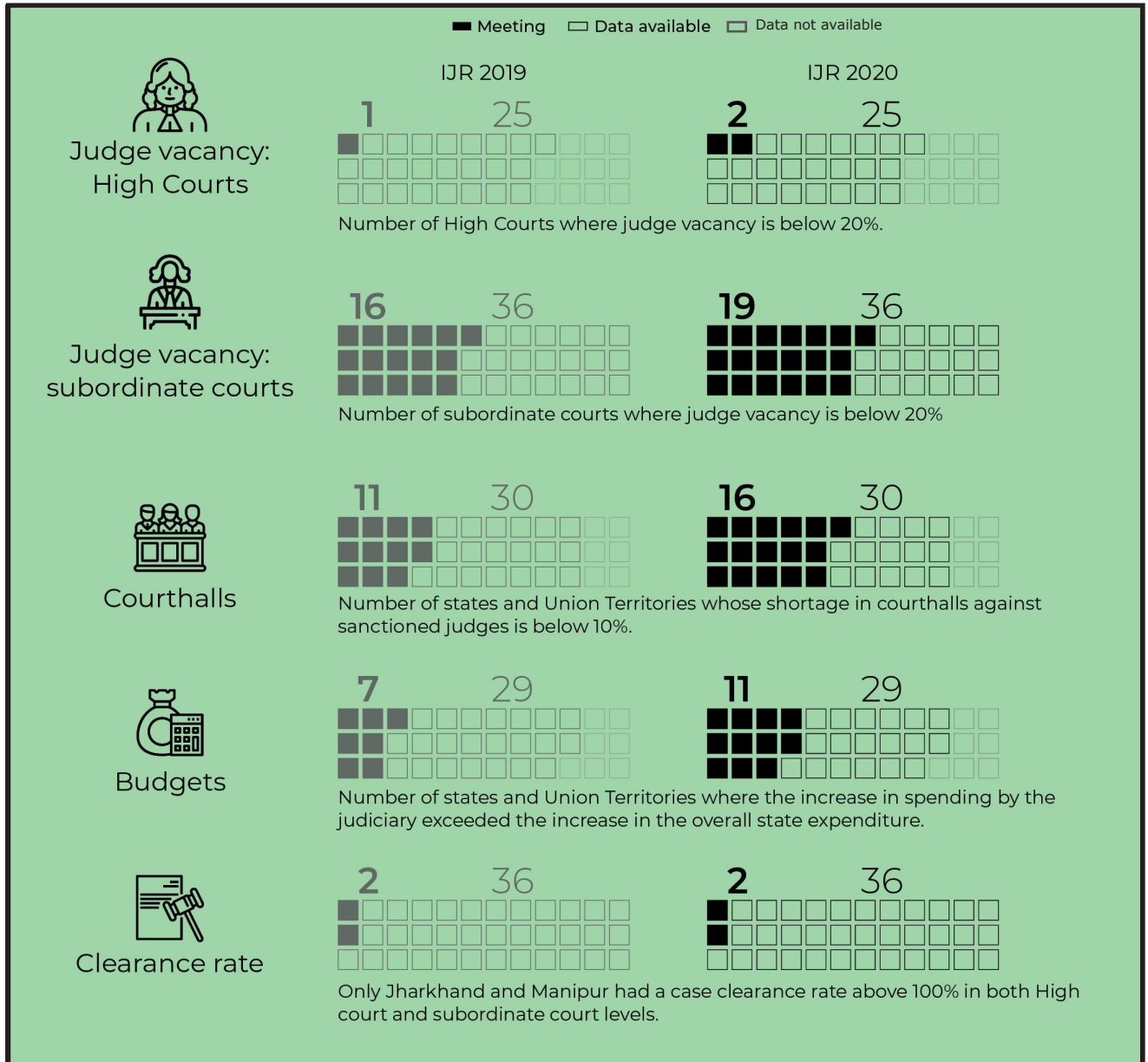
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\*Radhika Jha is Research Executive at Common Cause

# DECLINING JUDICIAL CAPACITIES

Chronic Delays, Pendencies, and Vacancies

## The Capacity Deficits



The chapter contains edited extracts from the India Justice Reports 2019 and 2020

The state of the judiciary in India has been a cause of concern not just among the policy-makers and the legal community, but also in the larger public sphere. Judicial delays, huge pendencies and the dearth of human resources and infrastructure are issues that have been highlighted time and again. IJR 2020 reports that only two states have High Courts with judge vacancies of less than 20 percent, while the vacancies in all other states and UTs is much higher than 20 percent. Only Jharkhand and Manipur had a case clearance rate above 100 percent in both High Court and subordinate court levels. About one in four cases in the subordinate courts of India has been pending for more than five years.

In the IJR series, the purpose is to study the capacity of the criminal justice system to be able to deliver justice. To make this assessment, we look at each pillar through these thematic lenses: human resources, infrastructure, diversity, workload and budgets. The reports also analyse the progress made by the states in some of these indicators over the years, particularly those which have clear benchmarks set out by the states themselves. The states are then ranked against these benchmarks in comparison to one another to track the relative capacity of each pillar in the state to be able to perform its functions effectively.

A total of 23 indicators were

analysed to study the capacity of the judiciary across states. The analysis showed that as of 2020, among the large and mid-sized states, Tamil Nadu had the highest rank, while Bihar ranked the lowest. Amongst the 25 small, mid-sized and large states that were ranked, nine showed overall improvement in judicial capacity since 2019, while 10 states showed a downward trend.

Tamil Nadu and Punjab retained their first and second ranks respectively since 2019, while UP and Bihar were the worst ranking states in both years under the judicial pillar. Telangana jumped five spots to the 6th position; Jharkhand from 14th to 9th; Karnataka from 16th to 12th. Various factors contributed to improvements including better case clearance rates in subordinate courts and a reduction in the number of cases pending over 10 years. The most pronounced falls were seen in Haryana (third to seventh); Odisha (ninth to fifteenth), Madhya Pradesh (sixth to eleventh), and West Bengal (tenth to sixteenth). This is mainly due to the large number of vacancies that persist in their high courts.

In this chapter, we look at some of the key findings of IJR 2020 under the judiciary pillar.

## **Human Resources**

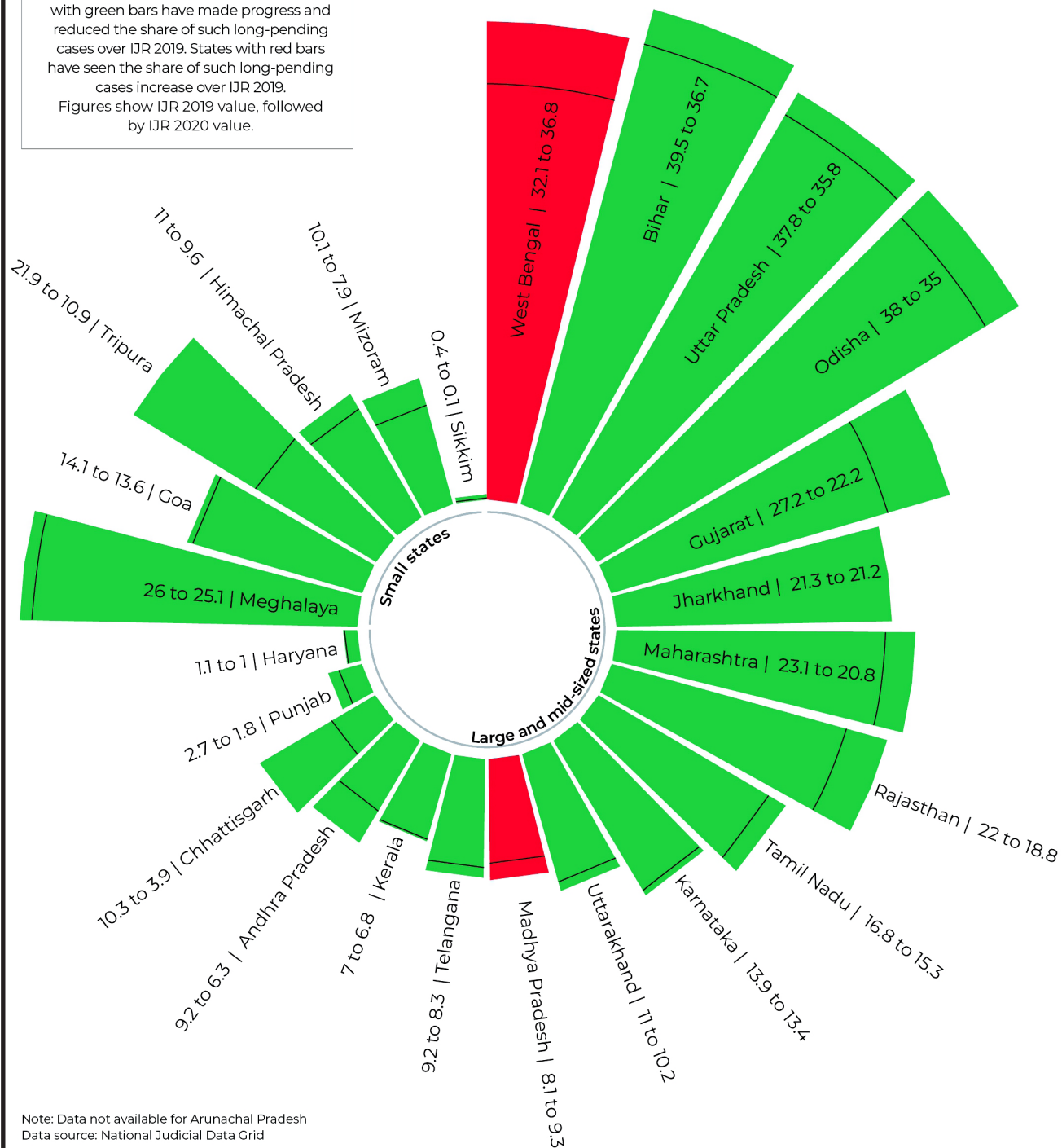
Nationally, average cases pending in High Courts rose from

about 40.12 lakhs in 2016-17 to 44.25 lakhs in 2018-19, and in lower courts from 2.83 crores to 2.97 crores. Though the number of pending cases rose, except for Chandigarh's lower courts, no single High Court or state's lower judiciary had a full complement of judges in place. Over a five-year period, only four states have reduced vacancies at both levels. On average, one in three judges in the High Court was missing and one in four among subordinate judges. In fact, in the two years between 2016-17 and 2018-19, vacancy levels increased in 10 High Courts and 15 subordinate courts. In High Courts, the range varies from 70 percent (Andhra Pradesh) to eight percent (Sikkim). In 16 out of 18 large and mid-sized states, vacancies run at over 25 percent.

There were some sharp contrasts as well. Even as Karnataka nearly halved its subordinate court vacancies, in Tamil Nadu (10 percent to 22 percent) and Uttar Pradesh (31 percent to 39 percent) vacancies increased significantly, while Meghalaya's went up from 42 percent to 60 percent.

Shortage of non-judicial staff also hampers the functioning of the judiciary. Available data (2018-19) from High Courts signposts that eight of the 18 large and mid-sized states—Andhra Pradesh, West Bengal, Chhattisgarh, Tamil Nadu, Rajasthan, Odisha, Uttarakhand, Bihar—work with more than

The bars show the share of cases pending in subordinate courts for over 5 years. States with green bars have made progress and reduced the share of such long-pending cases over IJR 2019. States with red bars have seen the share of such long-pending cases increase over IJR 2019. Figures show IJR 2019 value, followed by IJR 2020 value.



Note: Data not available for Arunachal Pradesh  
Data source: National Judicial Data Grid



25 per cent non-judicial staff vacancies.

## Diversity

Despite a wide acceptance of the value of diversity for improved delivery of justice, the data on religious and social diversity amongst judges remains unavailable, particularly in the subordinate judiciary. Gender diversity is more trackable. On average, the share of women judges in the High Courts increased marginally from 11 per cent to 13 per cent, while in subordinate courts it increased from 28 per cent to 30 per cent. Nevertheless, over a two-year period, twelve High Courts and twenty-seven subordinate courts improved their share of women judges. This means that while one in three judges in the subordinate courts is a woman, in the High Courts, only one in nine judges is a woman. The glass ceiling remains intact. Illustratively, at 72 per cent, Goa had the largest share of women in their subordinate courts. This drops to 13 per cent in the High Court.

The biggest improvements in gender diversity in High Courts took place in Jammu and Kashmir (15 percentage points), Chhattisgarh (14 percentage points), and Himachal Pradesh (11 percentage points). Previously, none of the three states had a women judge. The largest fall of 6.3 percentage points was in Bihar, which, as of August 2020, has no woman



High Court judge. Since 2018, the high courts of Manipur, Meghalaya, Tripura and Uttarakhand also continue to have no women judges.

## Budget

The report uses per capita expenditure as a comparator between states to evaluate the adequacy of budgetary allocations to the judiciary. The average five-year change in expenditure, when measured against the change in the total state expenditure, is indicative of the proportion of their incremental budgets that states were able/ willing to allocate. This can be interpreted as being reflective of the priority that a state accords to its judiciary. In the large and mid-sized category, Haryana spends the most (₹230) per capita, while West Bengal at the bottom spends one-fourth of that (₹58). In the small state category, the per-capita spend ranges from ₹496 in Sikkim to one-fourth of that (₹119) in Arunachal Pradesh.

## Pendency

Between 2016–17 and 2018–19, the average number of

pending cases in High Courts has increased by 10.3 per cent and in subordinate courts by five per cent.

In 21 of the 24 ranked states, cases pending in subordinate courts for above five years have decreased in the last two years. However, in eight states, such cases still amount to over 20 per cent of pending cases. In West Bengal, for instance, the share of cases pending over five years has increased by nearly 5 per cent to about 36.8 per cent.

## Vacancy

In 2016–17, average High Court judge vacancies were at 42 per cent, subordinate courts at 23 per cent and only four states and two UTs had sufficient courtrooms. Nationally, as of 2018-19, vacancies have come down to 38 per cent in the High Courts and 22 per cent in the subordinate courts. The number of court halls has moderately improved, though they remain much fewer than required. On the whole, state expenditure on the judiciary has increased by 0.02 per cent.

## Infrastructure

Logic demands that for every judge there must be a physical courtroom. The shortage of court halls has stayed at around the same levels at 14 percent. Between 2018 and 2020, the number of functional court halls has increased from 18,444 to 19,632.

However, if the full complement of sanctioned judge strength were appointed, there would be a shortfall of 3,343 court halls. The larger states made better headway in constructing more courts but in states such as Arunachal Pradesh (0 percent to 21 percent), Madhya Pradesh (13 percent to 23 percent), and Uttar Pradesh (14 percent to 29 percent), shortages have increased since the previous report.

## Workload

Vacancies and poor infrastructure impact judge workloads. Looked at across five years, the total number of pending cases in 12 High Courts and subordinate courts in seven states/UTs has declined. Between 2018 and 2020, the subordinate courts of 28 states/UTs also managed to reduce the share of cases pending for more than five years. Among large and medium states, only West Bengal and Madhya Pradesh bucked this trend. In these two states, pending cases in subordinate courts increased

by over 14 percent and those over five years in court by 37 percent. At the national level, cases across subordinate courts are pending for three years on average. In eight states, one in five cases still remains pending for more than five years.

Nationally, the average case clearance rate is higher in subordinate courts (93 percent) than in High Courts (88.5 percent). At the subordinate courts level, 12 states/UTs had a case clearance rate of more than a 100 percent, compared with only four High Courts. On a five-year basis, the picture is marginally better: only 11 states/UTs' High Courts and the subordinate courts of 17 states/UTs have managed to improve their case clearance rates.

## Overall Ranking - Judiciary

Below the five top states there were several shifts in ranking: Telangana jumped five spots to sixth position; Jharkhand from fourteenth to ninth; Karnataka from sixteenth to twelfth. Uttar Pradesh and Bihar have, however, remained at the bottom of the table. A combination of frailties particularly at the subordinate court level keep them at the bottom of the table including vacancies amongst judges, cases pending for over five years, and

the average number of years a case remains pending. Among smaller states, Sikkim retained its first position while Meghalaya dropped three spots. The drop can be attributed to increasing vacancies at both court levels, lack of women judges at the High Court, and a growing deficit of court halls.

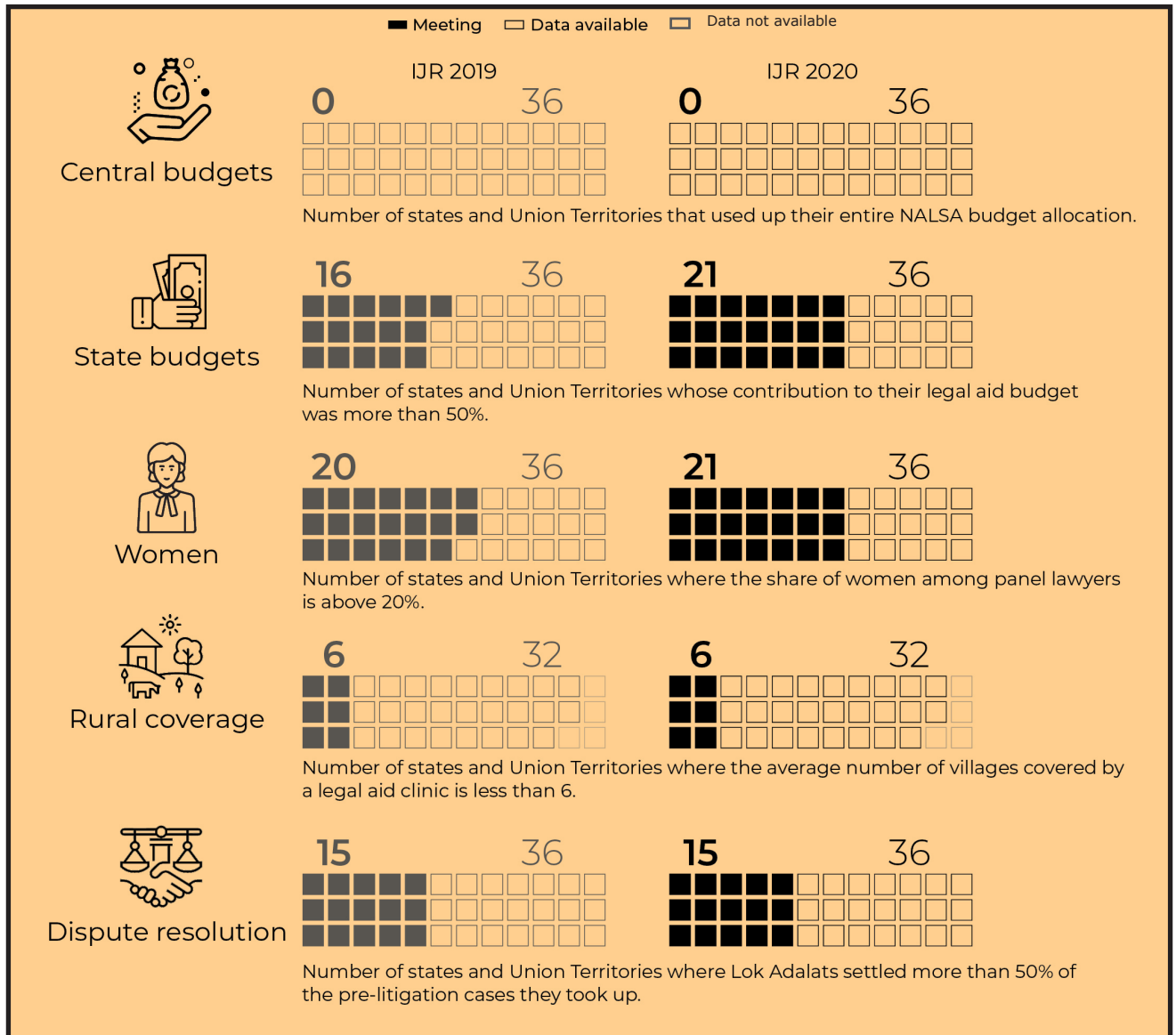
Large & Mid-size States	Rank
Tamil Nadu	1
Punjab	2
Kerala	3
Chhattisgarh	4
Maharashtra	5
Telangana	6
Haryana	7
Gujarat	8
Jharkhand	9
Rajasthan	10
Madhya Pradesh	11
Karnataka	12
Uttarakhand	13
Andhra Pradesh	14
Odisha	15
West Bengal	16
Uttar Pradesh	17
Bihar	18

Small States	Rank
Sikkim	1
Himachal Pradesh	2
Mizoram	3
Goa	4
Arunachal Pradesh	5
Tripura	6
Meghalaya	7

# A MIRAGE CALLED LEGAL AID

## Access to Justice Needs to Scale Up

### The Capacity Deficits

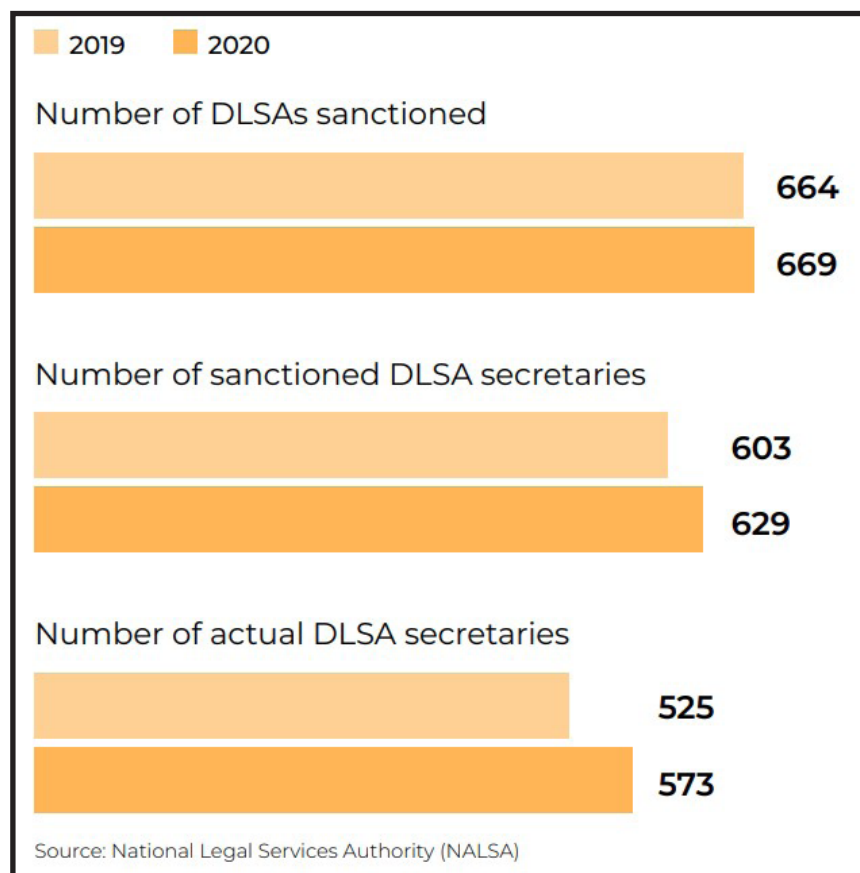


The chapter contains edited extracts from the India Justice Reports 2019 and 2020

Legal aid is arguably one of the most neglected pillars of the justice system, perhaps owing to the fact that a law constituting this body, the Legal Services Authorities Act, came into effect only in 1987. Despite almost 80 percent of the Indian population being eligible for free legal aid, these institutions often suffer from lack of infrastructure, uneven human resource distribution, poor utilisation of funds, to name a few problems. None of the states and UTs were able to use the entire NALSA budget allocation, and in 26 states and UTs one legal aid clinic caters to more than six villages. The per-capita spend by the centre on legal aid in 2019-20 is just Re 1.05.

In the IJR series, the purpose is to study the capacity of the criminal justice system to be able to deliver justice. To make this assessment, we look at each pillar through these thematic lenses: human resources, infrastructure, diversity, workload and budgets. The reports also analyse the progress made by the states in some of these indicators over the years, particularly those which have clear benchmarks set out by the states themselves. The states are then ranked against these benchmarks in comparison to one another to track the relative capacity of each pillar in the state to be able to perform its functions effectively.

A total of 15 indicators were analysed to study the capacity of legal aid authorities across states.



The analysis showed that as of 2020, among the large and mid-sized states, Maharashtra had the highest rank, while Uttar Pradesh ranked the lowest. Amongst the 25 small, mid-sized and large states that were ranked, nine showed overall improvement in legal aid capacity since 2019, while 12 states showed a downward trend.

Bihar registered the largest jump of 14 spots between 2019 and 2020—from 16th to 2nd position in 2020. Jharkhand similarly improved from the 14th to the 4th spot. Common contributions include improving infrastructure, National Legal Services Authority

(NALSA) fund utilisation and an increased share of women panel lawyer.

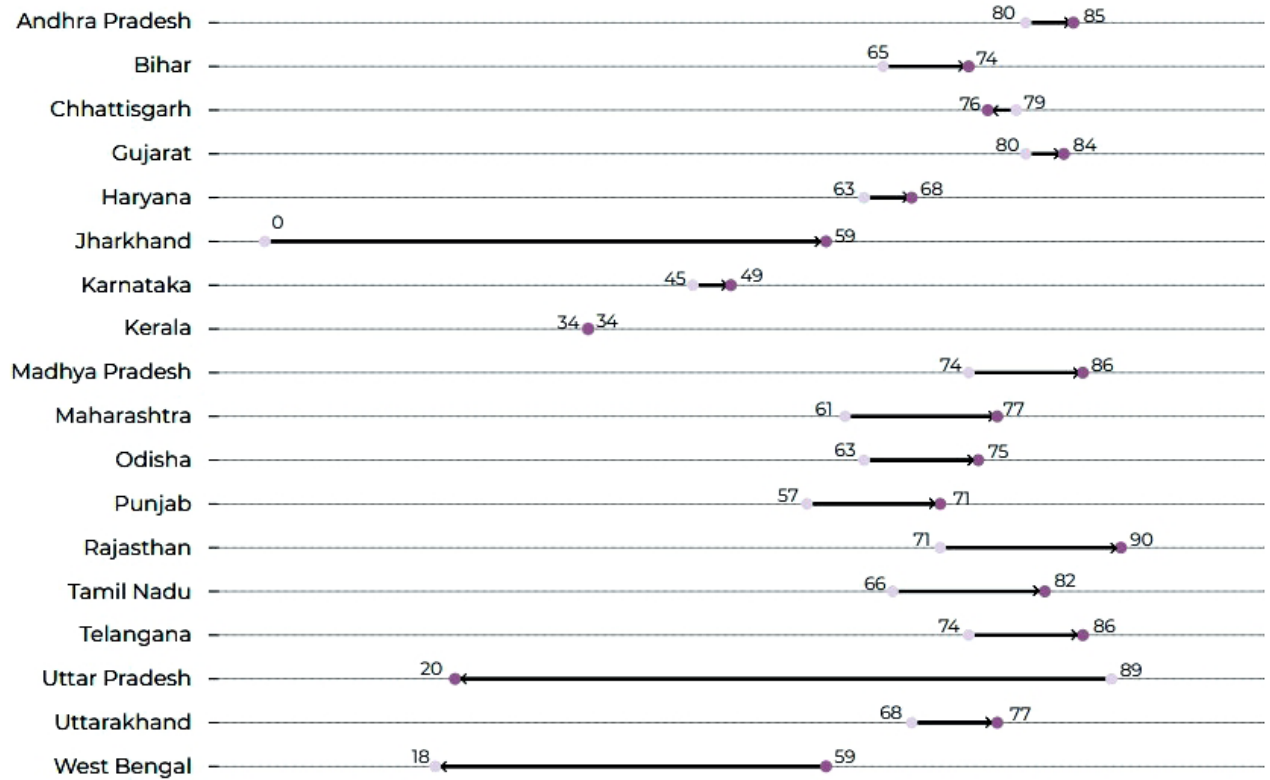
In this chapter, we look at some of the key findings of IJR 2020 under the legal aid pillar.

### Diversity

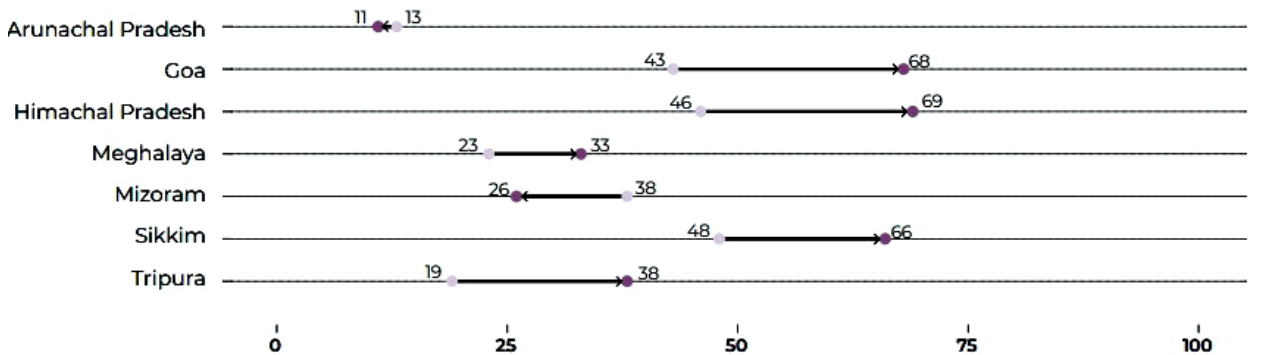
As of March 2020, 145 DLSA secretaries or 28 per cent were women; roughly one out of every four. Tripura (66 percent) and Andhra Pradesh (58 percent) had the highest share of women amongst DLSA secretaries. The states in the Northeast, which do not have full-time secretaries, have women judicial officers. Illustratively, Mizoram with no

State's share in legal aid spend (%) ● 2017-18 ● 2019-20

**Large and mid-sized states**



**Small states**



Note: Data for Kerala is from IJR 2019, as it did not share updated data with NALSA.  
Source: National Legal Services Authority (NALSA)

full-time secretaries had five female judicial officers in that post.

Nationally, the share of women amongst panel lawyers, has remained constant at 18 percent. Only in Goa, Meghalaya and Nagaland in the panel, were nearly 50 percent women. Amongst the eighteen large and mid-sized states, Kerala (40 percent), Karnataka (28 percent) and Maharashtra (27 percent) had the highest share. In a majority of large and mid-sized states, the share of women panel lawyers was less than the least share among small states (Arunachal Pradesh with 19 percent). In Madhya Pradesh, Rajasthan and Uttar Pradesh, only one in every 10 panel lawyers is a woman. Women's share among the paralegal volunteers has stagnated at about 35 percent. At nearly 73 percent, Goa had the highest share amongst all the states while West Bengal had the lowest with just one woman out of every five paralegals.

## Infrastructure

Infrastructure has been mapped in terms of both front offices and legal services clinics. A legal aid clinic can be understood as a 'single window facility' offering legal services to those who need it. While the number or geographical location has not been specified, it is clear that clinics need to be set up for easy access. The suggested norm is for one legal aid clinic to serve no

more than six villages.

In March 2020, there were 14,159 legal aid clinics for 597,617 villages or on average one clinic for every 42 villages. Of course these are not evenly spread across the entire geography of the country and their outreach varies widely. Between 2017 and 2019, twenty-two states/UTs improved the number of clinics available. Yet, as of March 2020, only three states met the norm. Kerala, with an average of about two villages per clinic, presently has the best coverage amongst large and mid-sized states. By contrast, in 2017, in Uttar Pradesh, a single clinic covered 1,603 villages. In 2020 this dropped by 68 percent to 520 villages per clinic, but the state still fares the worst on this metric.

Every jail too must have a legal services clinic. As of March 2020, seventeen states/UTs meet this criterion. In some states, the number of clinics is higher than the number of prisons because several prisons have individual clinics for each district from where the prisoners' cases are being tried. Amongst large and mid-sized states, Gujarat has the most clinics—49 across 30 prisons—while Punjab has 26 clinics for its 24 prisons. Among small states, Arunachal Pradesh, Goa, Meghalaya and Sikkim either meet or even exceed the required number of prison clinics.

To enable easy access to legal

services and information, every legal services institution is required to have a 'front office'. A 'front office' is a 'one stop centre for legal aid seekers to receive aid, advice and all information about their cases and all legal services provided by the LSI'. Four states/UTs had a front office in all their legal services institutions (LSIs). Nagaland had 13 front offices across 13 LSIs, as did Delhi. Tamil Nadu, Andhra Pradesh and Telangana had a coverage of 99 percent.

## Workload

Permanent Lok Adalats (PLAs) are intended to settle public utility disputes. Every state is mandated by law to establish a PLA. Currently, West Bengal remains the only large and mid-sized state that has no Permanent Lok Adalat. In 2019–20, these Adalats settled 1,17,850 cases compared to over 1.24 lakh cases in 2017–18.

## Budget

As of 2019–20, unlike a year ago, all states have contributed towards legal services expenditure, and 11 states have increased their share. The increased willingness to contribute more towards legal aid suggests a mounting recognition of the value of this service. In seven states, this share has moved to upwards of 80 percent; in IJR 2019, only Andhra Pradesh, Gujarat and Uttar Pradesh contributed this amount. With more funds in hand states'

utilisation has also gone up.

During 2020-21, there has been a significant improvement in the ability to utilise NALSA funds. Nationally, utilisation improved from 70.7 percent to 94.2 percent, while for large and mid-sized states, it moved from 77.13 percent to 96.07 percent - with seven of them utilising at least 90 per cent. Uttar Pradesh utilised nearly 100 percent. Meghalaya was the only state to have used only roughly one-fourth of the funds allocated. However, NALSA's own budget fell from Rs. 150 Cr in 2018 - 2019 to Rs. 100 Cr in 2020 - 2021.

A state's legal aid spend comprises what it gets from the centre (via NALSA) and what it provides. In the last two years, 14 of the 18 large and mid-sized states and five of seven

small states have increased their contribution to their legal aid spend.

### Overall Ranking - Legal Aid

Since 2019, some of the eighteen states that have a population of over 10 million have significantly improved their capacity to deliver legal aid and have gone up in ranking. Only Maharashtra (first from fifth), Punjab (remaining third) and Haryana (fifth from second) have retained their positions among the top five states.

Large & Mid-size States	Rank
Maharashtra	1
Bihar	2
Punjab	3
Jharkhand	4
Haryana	5

Telangana	6
Kerala	7
Odisha	8
Gujarat	9
Uttarakhand	10
Tamil Nadu	11
Madhya Pradesh	12
Rajasthan	13
Andhra Pradesh	14
Chhattisgarh	15
Karnataka	16
West Bengal	17
Uttar Pradesh	18

Small States	Rank
Goa	1
Tripura	2
Sikkim	3
Mizoram	4
Meghalaya	5
Himachal Pradesh	6
Arunachal Pradesh	7



**"There is a higher court than courts of justice and that is the court of conscience. It supercedes all other courts."**

—Mahatma Gandhi



# EVIDENCE-BASED ADVOCACY

## Using Data to Address Systemic Deficits

Valay Singh\*

'Justice' is both a core value and an important ideal for a civilised society to aspire to. Central to the understanding of justice is that when conflicting claims – of resources, opportunities, rights and freedoms are put forth, they are resolved by determining what individuals are entitled to have, in a manner that is both fair and just.

Quite simply, justice should be understood as an essential public good. Such goods possess two main characteristics – the first is that they are non-rival, which means that the consumption of the good by one individual doesn't diminish the ability of others to consume it. Second, public goods are 'non-excludable'; no one can be prevented from enjoying them. Recognising justice as a public good isn't simply for populations that find themselves directly in contact with the system; its larger purpose is that each person should have free and fair access to the justice system so as to secure effective remedy in the face of violations. Justice M. N. Venkatachaliah, one of India's finest jurists, emphasises the criticality of a credible justice system to democracy when he says that, "If a sizeable section

of people lose faith in their governance structures and in the justice dispensation in society, a socially negative critical-mass occurs, which can result in sweeping cynicism that unleashes a power of destruction."

The delivery of justice, as an essential service, is guaranteed through the constitutional promises of 'equality before the law' (Article 14) and 'the protection of life and personal liberty' (Article 21). Every government, therefore, is duty-bound to provide an impartial, efficient, responsive and accessible justice system to all. Presently, however, the justice system in India is a luxury, only within the reach of the privileged and powerful few.

The India Justice Reports look at the deep-seated structural deficits through unimpeachable data that make the system dysfunctional. It is a first of its kind index, which ranks Indian states on their capacity to deliver justice, on the four pillars of the justice system: police, prisons, judiciary and legal aid. In doing so, it underscores the urgent necessity in filling the deficits affecting it and suggests some key practical measures that could spur reforms.

Since independence, numerous commissions and committees have made thousands of recommendations for each sub-system as if each is a monolith working in isolation from the other. In reality, the working of each sub-system – police, prisons, judiciary and legal aid – is inextricably inter-linked. The India Justice Report examines quantitatively the four 'pillars' that support the justice system using only government data. These pillars are filtered against six main themes – budgets, infrastructure, human resources, workload, diversity, and 'five-year trends' – to assess where a state stands, not simply vis-à-vis others, but against the standards they have set for themselves. It consolidates data, otherwise disparate and siloed, to present a complete picture of the state of justice in India.

The available data paints a grim picture. It highlights that each individual sub-system is starved for budgets, human resources and infrastructure; no state is fully compliant with the standards it has set for itself and that rural India faces greater hurdles in reaching institutions of justice than urban India. The report aims to demystify

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\* Valay Singh is the Project Lead of the India Justice Report



the functioning of the justice system that has hitherto been shrouded in mystery by bringing together data on nearly 80 indicators across pillars. The report's findings allow for an identification of specific pain points which, if repaired, could remove bottlenecks to efficient functioning as well as show up the infirmities within each system and allow for analysis of the knock-on effect each has on the other.

Moreover, given that the justice sector has been largely inaccessible to reformative efforts driven by the public, the ranking of states is an effort aimed not only to provide a birds-eye view of the system, but to propel states to improve themselves. These corrections, both urgent and necessary, can be encouraged by way of the 'nudges' the report recommends. These are practical and workable suggestions to spur momentum for reform. The realisation of all social goals, health and livelihoods included, cannot progress without the assurance of an effective system of justice delivery, one that is easily available to all. If we do not move forward and reform what has remained broken for years, injustice will remain a bitter pill stuck in the public craw. This will eventually lead to the demise of the rule of law and democracy itself.

Having created a robust baseline

of capacity metrics of the justice system, the IJR collective aims to expand the scope of next IJR's by including more pillars such as the capacity of forensic labs, directorates of prosecution, and State Human Rights Commissions. Data on much of the aforementioned functions is either missing completely or is only partially available. For instance, although there are over 4,000 posts of forensic scientists sanctioned across the country less than half of them have been filled. Pendency at various state forensic labs is piling up and, in several states, forensic labs are unable to analyse samples in a timely manner, thereby adding to judicial delay. Similarly, information about prosecutors, such as norms of sanctioning posts, recruitment, and their appraisal is not available in public domain.

IJR has been using the Right to Information Act to gather information that has not been made public. However, our experience has been less than satisfactory. Illustratively, out of the roughly 500 RTI applications filed to all states' police training institutes, state forensic labs, and state police headquarters, not a single department or institution has been able to provide complete data even though none of the information that was asked is exempted under Section 8 of the RTI Act.

As we prepare for the

publication of the third IJR in early 2023 we remain acutely aware that the road to equitable justice is going to be a long and arduous one. However, the IJR collective is determined to keep its focus sharp on capacity to deliver justice, mind open to new partners and ideas, and operational overheads as low as possible. Our interactions with justice practitioners such as judges, police personnel, forensic experts, prison wardens or legal aid functionaries tell us that the system too is yearning for reform from within, however, the exigencies of the government and perennial firefighting required to keep the wheels of justice moving prevents any meaningful efforts towards change.

As IJR grows we aim to strengthen our evidence-based advocacy work through a multi-pronged approach: pin-pointing low hanging fruits to states, continue building a vibrant discourse on and around structural deficits in the justice system, reaching out to lawmakers and practitioners and expanding the circle of capacity-focussed research. The periodic ranking of states and the response we have received so far also encourages us to try facilitate the replication of the IJR template in smaller geographies as well as in different thematic areas.

# RESEARCHING THE JUSTICE SYSTEM

## Some Important Lessons from the IJR and SPIR

Radhika Jha\*

The Indian criminal justice system has long been a subject of public debate, within nearly all quarters. The general understanding of and public sentiments attached to the criminal justice pillars such as police and courts have ossified in myriad complex ways, with seemingly conflicting opinions prevailing simultaneously.

However, until quite recently, there have been few attempts to study the criminal justice system empirically and scientifically. Even as some excellent resources at the state and local level have been brought out by researchers and civil society organisations, at the national level such data is scarce. Aside from sporadic surveys by international research organisations such as the Pew Research Centre and the World Values Survey, which cover some aspects of the public perception of the criminal justice system in India, little data is available on either the functioning of the criminal justice pillars or on the stakeholder perceptions and experiences at the national level.

In this regard, both the India Justice Report and the Status of Policing in India Report series are one-of-a-kind attempts at a scientific, evidence-based analysis of the criminal justice

system in India, its capacity, and its growth at both the state level as well as at the national level.

### The SPIR and IJR series

While both the Status of Policing in India Report series (brought out by Common Cause in collaboration with the Centre for Study of Developing Societies) and the India Justice Report series (brought out collaboratively<sup>1</sup> by sectoral experts, including Common Cause) bring out comparable, empirically sound data on the issue, they are also distinct in some of the following ways, thus making them complimentary to each other:

1. While the SPIR series focuses primarily on the functioning, perceptions, and capacities of the police forces across the country, the IJR series takes a composite look at the overall criminal justice system in India covering its four major pillars—police, judiciary, prisons, and legal aid.
2. The IJR series exclusively uses data from official sources published by the government. It relies on reports published by various government bodies such as the Bureau of Police

Research and Development (BPRD), the National Crime Records Bureau (NCRB), the National Legal Services Authority (NALSA), and the National Judicial Data Grid (NJDG), to name a few. Some information is also sourced through Right to Information applications.

On the other hand, the SPIR series too provides statistical analysis of data from official sources in one part of the report, but a major section of the reports focuses on primary data sources—data from surveys with key stakeholders. Other methodological tools are often also employed such as focused group discussions, media analysis, etc., depending upon the theme of the report.

3. For the IJR series, the basic thematic pillars for analysis are constant through all the reports within the series, for all four departments—police, judiciary, prisons, and legal aids. Some of the key thematic pillars used for the analysis are human resources, infrastructure, diversity, workload, and trends. Based on the availability of state-level data, some new thematic

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\* Radhika Jha is Research Executive at Common Cause

pillars have been added, such as budgets, training, and technology. However, previous pillars as published in the earlier report remain constant, and the state-wise ranking on these indicators maps the states' progress or regress over the years. In this series, the focus is on capacity-related indicators, attempting to measure how adequate the system is to be able to deliver justice.

In the SPIR series, every report covers different aspects of policing using both official data analysis as well as survey data. While the first report was on the public perception of the police, people's experiences, levels of satisfaction, trust, and fear, the second report focused on the police personnel themselves, studying their own perceptions, experiences, attitudes, and working conditions. The following two studies covered the aspect of policing in extraordinary circumstances—policing in conflict-affected regions, and policing during the pandemic.

4. Even as both reports provide data across the states at a national level, in the IJR series, data on all 28 states and eight union territories is analysed, and most of the states and UTs are ranked based on size.

In SPIR, depending upon the nature of the issue being studied, the states are selected, since specific criteria such as conflict-affected states or states which witnessed a higher impact of the national lockdown following the Covid-19 pandemic are not always met uniformly across all the states.

Given all the above differences, each report series is unique in its objective and scope. Yet, both complement each other in not only data triangulation and validation, but also by filling in gaps. Used together, the two research series serve as essential baseline resources for measuring and driving policy-level trends and ultimately pushing the states towards reforms.

## Why Official Data?

Both the IJR and the SPIR series rely heavily on official data sources for analyses. Critics of official data often discard any data published by the government with claims of fudging, withholding, or even inaccuracy.

However, while all of these claims may be true to a certain extent and in specific events, to a great extent, the large universe of data published by government bodies is incomparable in its potency. Further, many of the issues of data inaccuracy can be ironed out with proper time-series analysis and by applying logical filters. Publicly-available

government data is in reality an impressive and one of the most reliable resources for understanding the larger trends and patterns in India's justice system and are often amenable to further statistical analysis.

Some of the major reasons for our reliance on official data are:

- Data across states and UTs is available in a comparable format. To understand variations and parallels, it is important to get data at the state level and it should also be in a uniform format both across the states and over time, enabling comparative analysis. Central agencies such as BPRD, NCRB, NALSA, and NJDG provide such information.
- The volume of information published by government bodies is incomparable to any other source. The data on crime in India, for instance, is available from the year 1953 onward.
- Being sourced directly from the local bodies such as police stations, district courts, or prisons, this is the most reliable source of information for studying the basic trends and patterns. Further, the extent of accountability and liability upon the government for its own data is much higher than that coming from any other private sources. Thus, these data sets are often highly reliable.
- From time to time, various government bodies bring

out their own targets or benchmarks for implementing reforms in the system. For instance, advisories from the Ministry of Home Affairs have recommended 33 per cent reservation for women<sup>2</sup>. The states can justifiably be measured against these benchmarks based on official data to get an accurate description of the extent to which they have been able to meet the criteria.

- As an advocacy tool, official data is immensely helpful for policy recommendations and understanding the emerging trends which need to be addressed. For instance, claims of bias against marginalised communities are corroborated by prison data on the over-representation of marginalised communities.

## What are some of the Limitations of Official Data?

However, official data also suffers from certain limitations, which need to be kept in mind in their reading and analysis. Some of these are:

- Data is only available for a limited set of parameters and is to that extent deficient for measuring certain important indicators. For instance, data on religious and social diversity in the judiciary is not published, thus making reliable measurements impossible. Often, format changes also cause certain

data to be withdrawn. For instance, data on religious diversity in the police has not been published since 2013 after the NCRB stopped publishing data on human resources.

- Certain data points are persistently over-represented, while some others are under-represented, thus making them unreliable. For instance, it is contended that the data on human rights violations is under-reported in the official publications, often because such cases are not registered by either the police or human rights commissions because of the political implications.
- Another related issue is that of misinterpretation of data, which may skew the real picture and even cause flawed reporting in the future. A classic example of this is crime data, which is often interpreted by the media and the public as a representation of the state of law and order in a region. In reality, a high crime figure may be reflective of high levels of registration of cases by the police and thus more responsive policing, while a low crime figure may suggest the exact opposite. However, public clamour based on these misinterpretations causes undue pressure on the police, further amplifying the issue of non-registration of cases.
- In some cases, official data is also unreliable because of errors and discrepancies.

For instance, for the year 2013, while NCRB reported the actual number of civil and district-armed police as 13,48,984<sup>3</sup>, data for the same period as reported by BPRD was 13,47,990<sup>4</sup>.

Despite these limitations, there is immense value in mining the available information and analysing the data to find meanings and truths about the state of justice in India. It is this endeavour that propels both the India Justice Report and the Status of Policing in India Report series to keep pursuing these empirical studies and work towards structural reforms.

## Endnotes

- 1 The India Justice Report series is prepared by Tata Trusts in collaboration with Common Cause, Commonwealth Human Rights Foundation, Centre for Social Justice, DAKSH, Tata Institute of Social Sciences- Prayas, Vidhi Centre for Legal Policy.
- 2 D.O. No. 15011/21/2013 – SC/ST – W dated 22nd April 2013 by Home Secretary, Government of India. <https://www.mha.gov.in/sites/default/files/AdvisoryWomenPolice-290513.pdf>.
- 3 Table 17.1, Crime in India 2013, National Crime Records Bureau. [https://ncrb.gov.in/sites/default/files/crime\\_in\\_india\\_table\\_additional\\_table\\_chapter\\_reports/Table%2017.1\\_2013.pdf](https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2017.1_2013.pdf).
- 4 Table 3.1, Data on Police Organisations in India: As on January 1, 2014, Bureau of Police Research and Development. <https://bprd.nic.in/WriteReadData/userfiles/file/File2014.pdf>.

# COMMON CAUSE UPDATES

## Supreme Court Cases

### **Petition to restrain the use of public funds for political campaigning through government advertisements:**

State governments across the country have started to roll out extensive advertising campaigns outside the territory of their respective states for projecting personalities and promoting particular parties without the interest of the target audience or prime beneficiaries of that government's achievements, policies and welfare measures. Common Cause filed a petition to restrain the unnecessary use of public funds on government advertisements in ways that are completely malafide and arbitrary and amount to breach of trust, abuse of office, in violation of the directions/guidelines issued by this court and are a violation of fundamental rights of citizens. In this regard, six specific issues were pointed out:

- Publication of advertisements by state governments outside the territorial limits of their respective states
- Publication of government advertisements in the form of 'advertorials'
- Publication of government advertisements during/prior to the elections
- Issues concerning the 'Committee on Content

Regulation of Government Advertisements' (CCRGA)

- Publication of photographs of functionaries on government advertisements
- Advertisements in the name of awareness campaigns

The Supreme Court in its judgment dated 13-05-2015 in *Common Cause vs. Union of India* (2015) 7 SCC 1, had issued several guidelines aimed at regulating government advertisements in order to check the misuse of public funds by central and state governments.

The five principles of those guidelines were as follows:

1. Advertising campaigns are to be related to government responsibilities,
2. Materials should be presented in an objective, fair and accessible manner and designed to meet objectives of the campaign,
3. Not directed at promoting political interests of a party,
4. Campaigns must be justified and undertaken in an efficient and cost-effective manner, and
5. Advertisements must comply with legal requirements and financial regulations and procedures

The objectives behind rolling out these guidelines, as pointed out in the judgment were as follows:

1. To prevent arbitrary use of public funds for advertising by public authorities to project particular personalities, parties or governments without any attendant public interest
2. Neither to belittle the need nor to deny the authority of the union and state governments and its agencies to disseminate information necessary for public to know on the policies and programmes of the government but only to exclude the possibility of any misuse of public funds on advertisement campaigns in order to gain political mileage by the political establishment;
3. To address the gaps in the existing DAVP Guidelines which only deal with the eligibility and empanelment of newspapers/journals or other media, their rates of payment, and such like matters and not on how to regulate the content of government advertisements;
4. To ensure that "all government activities satisfy the test of reasonableness and public interest, particularly while dealing with public funds and property";
5. to ensure that government messaging is well co-

ordinate, effectively managed in the best democratic traditions and is responsive to the diverse information needs of the public.

On September 26, 2022, Justice DY Chandrachud and Justice Hima Kohli heard the petition to restrain the use of public funds for political campaigning through advertisements. After hearing Mr. Bhushan, notice has been issued to the respondents. The case is likely to be listed next on November 11, 2022.

### **Petition seeking timely and transparent appointments to the Central Vigilance**

**Commission:** Although, vacancies for the post of Vigilance Commissioner and Central Vigilance Commissioner were advertised for more than 15 months and 5 months respectively, no appointments had been made pursuant thereto. This resulted in crippling of the commission to the extent that against a sanctioned strength of a three-member commission (one chairperson and two members), it was functioning with only one Vigilance Commissioner who had been authorised “to act as the Central Vigilance Commissioner...until the appointment of the Central Vigilance Commissioner.” In *Vineet Narain v. Union of India* (1998) 1 SCC 226, to ensure the effective functioning and that the commission could act as a robust ‘integrity institute’ it was made a multi-member body

and given a statutory status. The scheme and object of the act of 2003 specifically envisioned that the commission should function as a multi-member body and should take decisions unanimously to the extent possible. Non-appointment of the Vigilance Commissioner and Central Vigilance Commissioner for extended periods therefore stultified the statutorily sanctioned working of the commission.

Common Cause approached the Supreme Court with a prayer for issuance of direction to the executive to take urgent steps to appoint Vigilance Commissioner and Central Vigilance Commissioner in pursuance of the advertisements that had been issued on 20.07.2020 and 04.05.2021 respectively. The petition also prayed that all details and documents regarding the selection process/appointments to be made to Central Vigilance Commission be placed in public domain. The matter was taken up on September 5, 2022 and notice was issued. It is likely to be listed on October 10, 2022.

**Illegal Mining in Odisha:** This matter was listed several times in 2022, where interlocutory applications filed by interested parties were disposed and directions issued on penalties to be paid.

### **Representations**

**Feedback on the Draft India Data Accessibility and Use**

**Policy 2022:** The Draft India Data Accessibility and Use Policy 2022 aimed to enhance access, quality, and use of data and radically transform India’s ability to harness public sector data and claimed to ensure greater citizen awareness, participation and engagement with open data. Common Cause provided feedback on issues of non-transparency, privacy, data security and emphasised on the need for a Data Protection Law.

### **Inputs to the Technical Committee concerning the Pegasus India Investigation:**

The Technical Committee constituted to examine the allegations of alleged unauthorised surveillance using the Pegasus software appointed by the Supreme Court in WP(CrI) No 314 of 2021 released a questionnaire with 11 questions, seeking responses and comments from the general public. We responded to the questions revolving around safeguards and grievance redressal associated with state surveillance and surveillance technology and suggested substantive and procedural safeguards for a surveillance framework and the steps to improve cyber security.

### **Representation seeking compliance of the Hon’ble Supreme Court’s judgement in *Common Cause v. Union of India* [(2017) 9 SCC 499] with regard to violation of Rule 37 of the Mineral Concession**

**Rules, 1960:** Common Cause filed a representation with the

Director of Mines & Additional Director of Mines (Government of Odisha), Principal Secretary, Under Secretary and Joint Secretary (Department of Steel & Mines) and with the Special Secretary to the Government of Odisha, Department of Steel & Mines. The representation focussed on the violation of Rule 37 of the Mineral Concession Rules, 1960 and illustrated a specific case as an example to urge the authorities to investigate the violators and take necessary action in this regard.

**Comments/suggestions on the *Drugs, Medical Devices and Cosmetics Bill, 2022*:** On August 22, 2022, Common Cause submitted detailed and incisive comments/suggestions on *Drugs, Medical Devices and Cosmetics Bill, 2022* to the Ministry of Health and Family Welfare. While it is understandable that in order to meet India's evolving healthcare requirements, there is a need to build an innovative and globally competitive industry supported by a world-class infrastructure, enabling ecosystem, regulatory framework and quality manpower, the public health aspects must still be the primary focus of the Bill. The pharmaceutical and medical sector must focus on providing accessible, affordable, safe, and high-quality drugs and medical equipment to the patients along with promoting an innovative and self-sustainable industry. It was submitted that public health must be viewed from the citizen-centric lens, instead

of making it a profit-making industry for corporate giants such as pharmaceutical companies and others. Transparency, accountability and access to information should be made mandatory under this bill. A due process of transparency builds confidence among the citizens and leads to good and responsible governance.

## RTI Applications

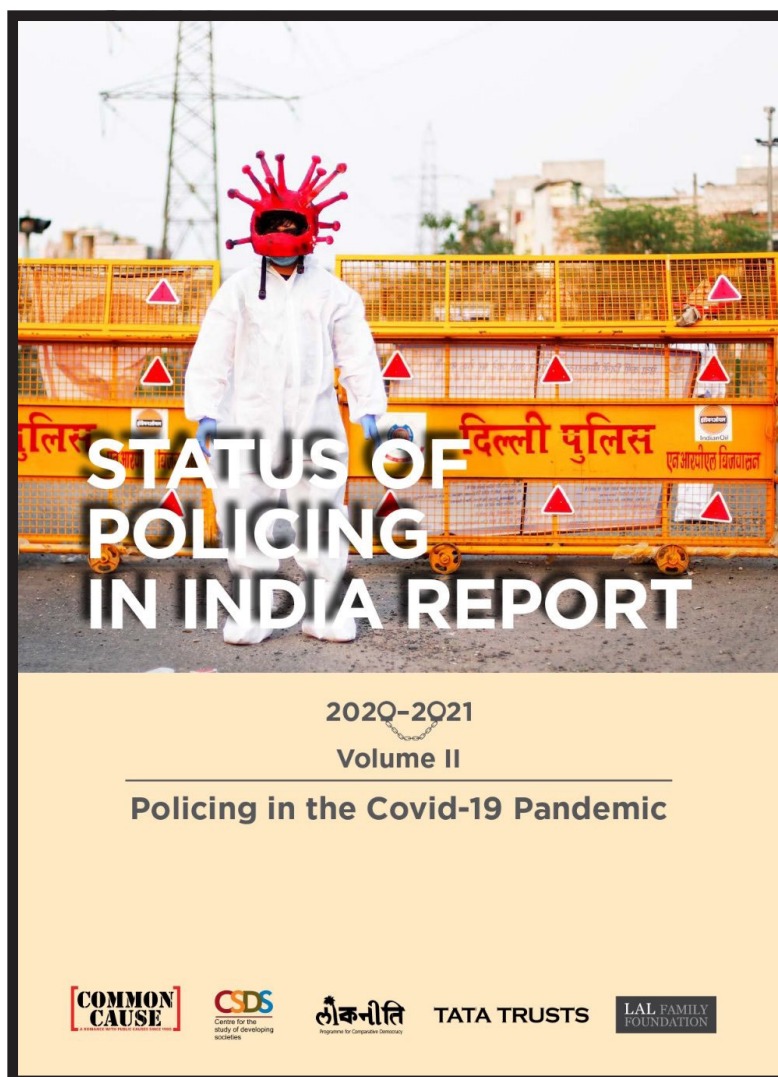
**SPIR 2022:** We have filed RTI applications with all the states and union territories to check the status of the implementation of the Supreme Court in *Paramvir Singh Saini vs. Baljit Singh & Others*, SLP(Cr) No 3543 of 2020 dated December 2, 2020, mandating the installation of functioning CCTV cameras in all the police stations. The applications sought district-wise implementation in each state. We are in the process of receiving responses and the data will be used by the SPIR team for analysis.

Previously, we have also filed an application before the National Crime Records Bureau (NCRB) in December 2021 to procure information on the syllabus/course structure of the "CCTV Footage Analysis" training of police personnel and other details. An RTI application was filed before the Public Information Officer, Public Works Department, Govt. of NCT of Delhi to seek information about the CCTV cameras installed in public places across the capital.

In addition, Common Cause filed an application with the CPIO, Ministry of Home Affairs and another with the CPIO, Centre for Development of Telematics (C-DOT), seeking details of protocols on data collection through lawful interception and monitoring.

**Labour:** We have filed RTI Applications with the Ministry of Labour and Employment regarding the information under the Extra Reach for Unorganised Workers (DGLW) and the Transparent Central Labour Inspection Scheme for random inspection of units. The information sought under the Extra Reach for Unorganised Workers (DGLW) was regarding the state governments' initiatives to enable better access for the unorganised workers to the social security schemes. The application also asked for the details of the monitoring authority and officials responsible for this as well as the frequency of such monitoring on the access provided by the states. The application on the Transparent Central Labour Inspection Scheme for random inspection of units requested for the list of the states that have joined Shram Suvidha Portal along with the access links. The application also asked for a detailed list of inspections for the period between January 2021 till March 2022.

Please email us at [commoncauseindia@gmail.com](mailto:commoncauseindia@gmail.com) if you want a soft copy of the report.



Jointly prepared by Common Cause and its academic partner, CSDS, The Status of Policing in India Report (SPIR) 2020-2021, Volume II: Policing in the Covid-19 Pandemic, covers a range of citizen-police interactions during the lockdown, the handling of the crisis, and the emergence of new challenges for the law enforcement apparatus.

The report analyses data from a survey of common people and police personnel from Tier 1 and Tier II/ III cities of 10 states and Union Territories. It also looks at the media coverage of the nature of policing during the initial phases of the national lockdown.

Please email us at [commoncauseindia@gmail.com](mailto:commoncauseindia@gmail.com) if you want a soft copy of the report. A PDF can also be downloaded from [commoncause.in](http://commoncause.in)

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