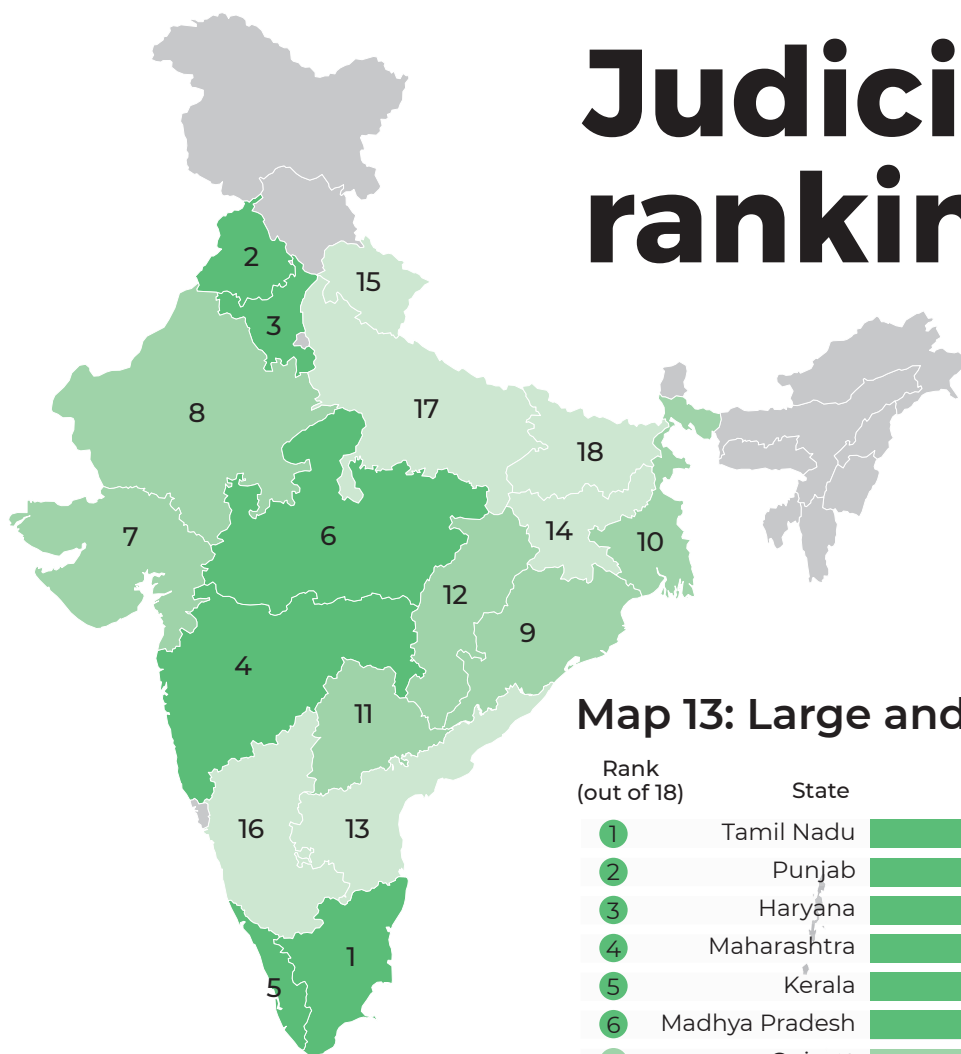




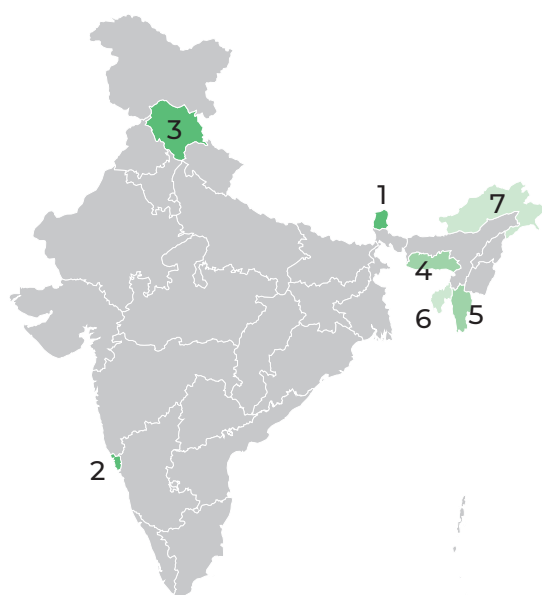
Judiciary

Judiciary ranking



Map 13: Large and mid-sized states

Rank (out of 18)	State	Score (out of 10)
1	Tamil Nadu	6.99
2	Punjab	6.57
3	Haryana	6.23
4	Maharashtra	5.96
5	Kerala	5.61
6	Madhya Pradesh	5.61
7	Gujarat	5.32
8	Rajasthan	5.04
9	Odisha	4.78
10	West Bengal	4.70
11	Telangana	4.68
12	Chhattisgarh	4.64
13	Andhra Pradesh	4.49
14	Jharkhand	4.30
15	Uttarakhand	4.17
16	Karnataka	3.76
17	Uttar Pradesh	3.70
18	Bihar	2.41



Map 14: Small states

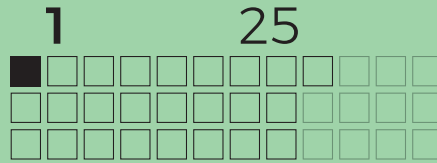
Rank (out of 7)	State	Score (out of 10)
1	Sikkim	5.36
2	Goa	5.19
3	Himachal Pradesh	4.95
4	Meghalaya	3.74
5	Mizoram	3.66
6	Tripura	3.59
7	Arunachal Pradesh	2.81

Note: 1. Map of Jammu & Kashmir is pre-August 2019. 2. For reasons of readability, the score is shown up to 2 decimals. While they both show the same score, Kerala is ranked above Madhya Pradesh on the third decimal (5.611 versus 5.606).

The capacity deficits

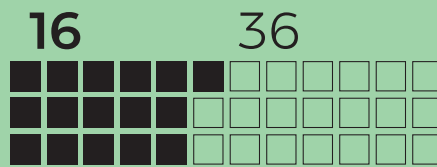
□ Data available ■ Meeting


Judge vacancy:
High Courts



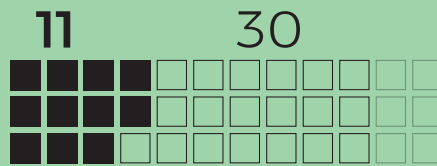
Number of High Courts where judge vacancy is below 20% (Sikkim).


Judge vacancy:
subordinate courts



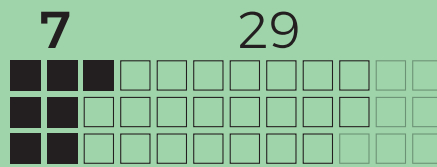
Number of subordinate courts where judge vacancy is below 20%


Courthalls



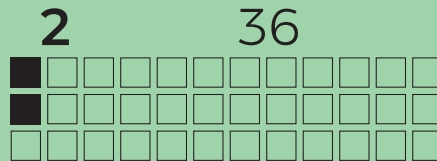
Number of states and Union Territories whose shortage in courthalls against sanctioned judges is below 10%.


Budgets



Number of states and Union Territories where the increase in spending by the judiciary exceeded the increase in the overall state expenditure.


Clearance rate



Only Odisha and Tripura had a case clearance rate above 100% in both High Court and subordinate court levels.

The other deficits

39.5%

Share of cases in Bihar subordinate courts that have been pending for more than 5 years.



2.7 yrs
to 9.5 yrs

The lower and upper range among states in the average duration that a case was pending in subordinate courts.

Judiciary: Pending woes

The vital hallmarks of a well-functioning judiciary are its predictability, easy and inexpensive accessibility for all, and its ability to resolve disputes within a definite and reasonable time frame. A close analysis of resources helps state and central governments to better identify avenues for reforms in an evidence-based manner¹ and facilitates a more informed design and implementation of judicial reforms².

It bears repeating that a robust justice delivery system is vital for strengthening democratic norms and enforcing the rule of law. As the adjudicatory branch of the state, the judiciary is important because it is both a dispute resolution mechanism for individuals and entities, and an oversight mechanism for the actions of the legislature and the executive³.

The capacity of the judiciary to deliver is significantly influenced by the infrastructure, budgets and human resources available to it, and the diversity within it. In a federal country like India where the organization, finances, and human resources available to the judiciary vary considerably from state to state, the analysis of its capacity at a state level is crucial to better understand the pitfalls in the overall system.

Budgets

Indicator

- Per capita spend on judiciary (Rs, 2015-16)
- Difference in spend: judiciary vs state (pp, FY '12-'16)

At present, both the central and state governments contribute towards the finance allocated to a state's judiciary, with the concerned state government funding the lion's share. Given the competition for financial resources, the judiciary often finds itself at a disadvantage because it is not generally perceived as an 'essential' or direct public service unlike health, housing, or education. However, a well-functioning judiciary is without doubt vital to the maintenance of rule of law, social cohesion, and sustainable development.

Much like other sectors, the judiciary's budgets are

NOTE: 4 states (Assam, Jammu and Kashmir [pre-August 2019], Manipur and Nagaland), and the 7 UTs (Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Lakshadweep and Puducherry) have not been ranked. CY: Calendar year; FY: Financial year; pp: percentage points (the difference between two percentages).

1 Langer L, Tripney J, and Gough D. (2016). 'The Science of Using Science: Researching the use of research evidence in decision-making', EPPI-Centre (SSRU), UCL Institute of Education. Available online at <https://eppi.ioe.ac.uk/cms/Portals/0/PDF%20reviews%20and%20summaries/Science%202016%20Langer%20report.pdf?ver=2016-04-18-142701-867>, last accessed on 17 April 2019.

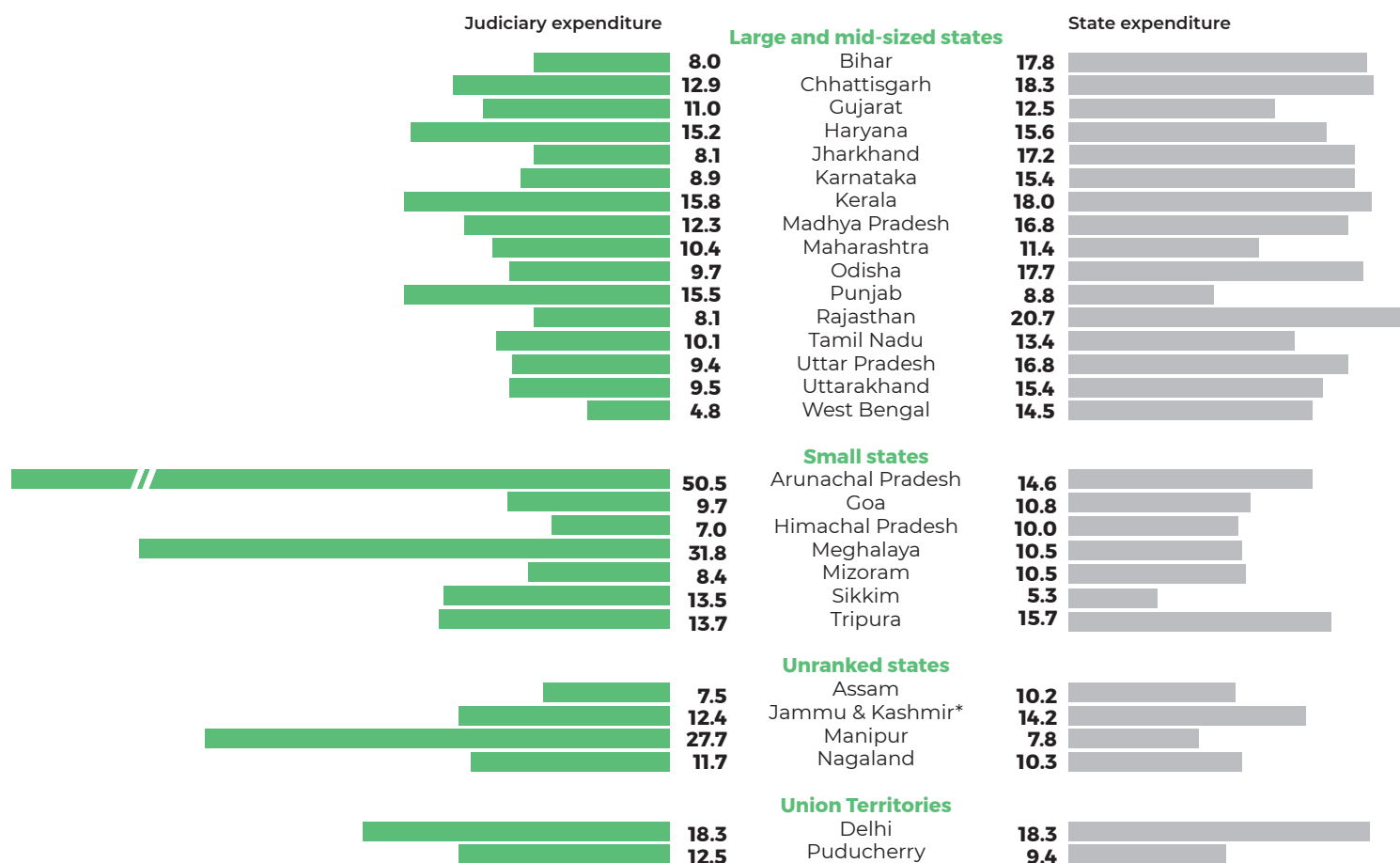
2 Maria Dakolias, 'Court Performance Around the World: A Comparative Perspective', Yale Human Rights and Development Journal, 1(2), pp 87-88.

3 Krishnaswamy, S., K Sivakumar, S., & Bail, S., 'Legal and Judicial Reform in India: A Call for Systemic and Empirical Approaches', Journal of National Law University Delhi, 2(1), pp 1-25, 8, 2014.

Figure 12: Judiciary, a lower budgetary priority of the state

Between 2011-12 and 2015-16, the average increase in judiciary expenditure trailed the average increase in state expenditure in 22 states and UTs.

Average 5-year increase from 2012-12 to 2015-16 (%)



Data source: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India.

Notes: 1. States and Union Territories are arranged in alphabetical order within their respective cluster. 2. Five Union Territories have been excluded from this graphic as their judiciary expenditure data was not available: Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, and Lakshadweep. 3. Andhra Pradesh and Telangana have been excluded as 5-year data for these states was not available separately. *pre-August 2019.

calculated based on historically recurring expenses. This mechanical approach has been critiqued by the Supreme Court in its seminal document proposing the constitution of the National Court Management Systems (NCMS), in 2012⁴. The apex court highlighted the lack of training among judicial officers to plan and prepare budgets, and recommended bringing on board professionals to assist in the budgeting process.⁵

Currently, judiciary budgets cover establishment costs, i.e. salary, allowances, and minimum operational costs, but do not usually stretch to capacity building or allow for innovation and experimentation.⁶

On average, no state or UT apart from Delhi spent even 1 per cent of its budget on the judiciary. Nationally, India spends 0.08 per cent.⁷ All states

4 Supreme Court of India (2012), 'National Court Management Systems (NCMS): Policy and Action Plan', available online at <https://www.sci.gov.in/pdf/NCMSP/ncmspap.pdf>, last accessed on 10 May 2019.

5 Ibid., p 44.

6 Avanti Durani, Rithika Kumar, and Neha Sinha, 'Judicial Budgets: From Financial Outlays to Time-bound Outcomes', in Harish Narasappa, Shruti Vidyasagar and Ramya Sridhar Tirumalai (eds.), *Approaches to Justice: A Report*, pp. 225-232, Bengaluru: DAKSH and EBC, 2016. Available online at http://dakshindia.org/Daksh_Justice_in_India/32_chapter_05.xhtml (accessed on 19 April 2019).

7 <http://www.cbgaindia.org/wp-content/uploads/2019/01/Memorandum-on-Budgeting-for-Judiciary-in-India.pdf>

combined (excluding the central government) spent 0.54 per cent of their total expenditure on the judiciary in 2015–2016. Just one state/UT spent more than 1 per cent, which was Delhi, with 1.9 per cent. Beyond Delhi, the percentage of budget spent on judiciary ranged from 0.1 per cent (Arunachal Pradesh) to 0.96 per cent (Punjab). There were eighteen states spending between 0.5 per cent and 1 per cent on the judiciary, including thirteen from our large and mid-size states⁸.

In the absence of any guidelines/policy/law/ process by which to arrive at an ideal that a state must spend to ensure efficient functioning, determining a benchmark was a challenge. Hence, there was little option but to use per capita expenditure as a useful objective comparator between states to evaluate the adequacy of budgetary allocations to the judiciary. The average five-year change in 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 (₹201) per capita, while West Bengal at the bottom spends one-fourth of that (₹52). In the small state category, the per-capita spend ranges from Rs 464 in Sikkim to one-sixth of that (₹78) in Arunachal Pradesh.

However, higher per capita expenditures do not necessarily translate into better infrastructure, lower vacancies, or speedier disposal of cases. Illustratively, while Punjab and Haryana had high per capita spends for judiciary, both also had high vacancies across courts (46 per cent in the High Court and about 20 per cent in the subordinate courts). On the other hand, Gujarat and Odisha, with relatively lower per capita spends, were able to dispose more cases than the number filed in that year (2016–2017) in subordinate courts; Gujarat cleared nearly 30 per cent more cases than were filed, while Odisha cleared nearly 6 per cent more.

While most states have been showing an increase

in spend on the judiciary on a year-on-year basis, this increase is less than the increase in the size of the overall budget of states, thus giving the administration less fiscal room to fill gaps and effect improvements. Looked at over 5 years (2012–2013 to 2015–2016), of the seven states where the increase in budgetary spend on the judiciary exceeded the increase in the total state expenditure, five are from the North-east, led by Arunachal Pradesh which increased its budget by 36 percentage points. The fifteen large and mid-sized states whose increment in judiciary budgets has trailed their overall state spend the most include several states with very high average pendency. Illustratively, Rajasthan saw its total budget (financial year 2012–2013 and 2015–2016) increase by an average of 20 per cent but its judiciary budget increased by only 8 per cent.

Trends

Indicator

- Cases pending (per High Court judge) (% , 2013-17)
- Cases pending (per subordinate court judge) (% , 2013-17)
- Total cases pending (High Court) (% , 2013-17)
- Total cases pending (subordinate court) (% , 2013-17)
- Judge vacancy (High Court) (pp, 2013-17)
- Judge vacancy (subordinate court) (pp, 2013-17)
- Case clearance rate (High Court) (pp, 2013-17)
- Case clearance rate (subordinate court) (pp, 2013-17)
- Change in judiciary spend to state spend (pp, 2012-16)

Looked at across all judiciary indicators, Tamil

⁸ Derived from CAG documents (2015-16). Available online at https://cag.gov.in/sites/default/files/cfra_account_files/CFRA_Vol_3_2015_16.pdf

Table 7: Over 5 years, improvements in judicial capacity?

Courts across states and UTs have been struggling to improve on key capacity metrics. Of the 25 ranked states, West Bengal was the only one to have significantly improved.

	Indicators improved on (out of 9)	Cases pending (per High Court judge) (%)	Cases pending (per sub. court judge) (%)	Total cases pending (High Court) (%)	Total cases pending (sub. court) (%)	Judge vacancy (High Court) (pp)	Judge vacancy (sub. court) (pp)	Case clearance rate (High Court) (pp)	Case clearance rate (sub. court) (pp)	Difference in spend: judiciary vs state (pp)
Large and mid-sized states										
Tamil Nadu	7	-5.6	-6.1	-6.9	-1.7	3.47	-0.42	1.29	0.17	-3.29
Gujarat	6	-3.3	-7.2	1.4	-2.7	-0.19	-2.72	-3.06	6.11	-1.45
Odisha	6	-8.5	-3.1	-9.5	-0.7	1.15	2.46	4.75	4.19	-7.97
West Bengal	6	-6.8	-2.8	-8.4	0.0	3.53	-1.00	3.50	-3.32	-9.66
Maharashtra	5	-5.7	-4.3	-4.9	-0.9	2.82	-1.03	-1.40	-7.71	-1.03
Rajasthan	5	-6.2	-5.3	-1.9	1.4	-0.13	-1.33	-3.55	-2.31	-12.59
Punjab	4	4.3	-7.9	4.5	-1.4	2.32	-0.25	-1.95	-0.58	6.77
Uttar Pradesh	4	-4.6	2.0	-1.6	0.9	-1.66	3.75	2.91	-0.65	-7.38
Haryana	3	4.3	-6.8	4.5	-0.6	2.32	-0.64	-1.95	-0.57	-0.34
Uttarakhand	2	17.1	-2.9	10.3	5.5	3.66	-4.57	-2.27	-1.97	-5.86
Bihar	1	7.3	4.8	2.6	5.8	5.82	1.25	-4.84	1.59	-9.81
Chhattisgarh	1	5.4	-6.0	1.3	1.2	4.29	0.50	-4.73	-0.11	-5.47
Jharkhand	0	4.2	1.2	6.8	2.6	1.00	3.25	-1.59	-1.41	-9.06
Karnataka	0	15.3	0.5	7.8	3.6	6.71	2.30	-3.03	-1.87	-6.45
Kerala	0	2.5	6.1	5.5	7.5	1.00	0.93	-2.76	-0.13	-2.16
Madhya Pradesh	0	5.3	0.5	4.5	2.0	3.44	2.02	-0.20	-0.84	-4.56
Small states										
Meghalaya	6	-9.5	8.4	-10.1	40.4	6.25	-6.88	4.86	2.06	21.33
Himachal Pradesh	5	-1.7	1.1	-7.2	5.4	4.16	-0.94	3.61	0.05	-3.08
Arunachal Pradesh	4	-4.4	-4.5	-8.8	17.2	3.54	5.68	-4.16	-9.45	36.00
Tripura	4	-19.2	21.4	-17.9	24.8	6.52	-0.24	-3.92	0.68	-2.07
Sikkim	3	15.4	-3.5	22.2	3.5	-5.00	0.68	-2.87	-0.43	8.16
Goa	2	-5.7	4.7	-4.9	7.5	2.82	0.30	-1.40	-0.55	-1.18
Mizoram	2	-4.4	3.6	-8.8	2.3	3.54	0.24	-4.16	-1.13	-2.08
Unranked states										
Manipur	8	-14.0	-10.2	-5.0	-3.3	-3.75	-1.62	-9.26	1.56	19.80
Jammu & Kashmir*	5	-6.8	-9.1	-4.6	-6.5	0.61	0.59	4.41	-0.98	-1.82
Assam	4	-4.4	-4.0	-8.8	0.2	3.54	-0.29	-4.16	-0.21	-2.74
Nagaland	4	-4.4	-0.2	-8.8	0.5	3.54	0.71	-4.16	-7.91	1.38
Union Territories										
Andaman & Nicobar Islands	6	-6.8	-2.8	-8.4	0.0	3.53	-1.00	3.50	-3.32	NA
Puducherry	4	-5.6	2.3	-6.9	1.6	3.47	2.81	1.29	-0.23	3.10
Chandigarh	2	4.3	-14.1	4.5	-8.0	2.32	0.00	-1.95	-2.72	NA
Dadra & Nagar Haveli	2	-5.7	2.2	-4.9	1.0	2.82	0.00	-1.40	-3.05	NA
Daman & Diu	2	-5.7	2.2	-4.9	1.0	2.82	0.00	-1.40	-3.05	NA
Delhi	2	2.4	-3.8	1.4	-2.9	3.48	2.64	-3.53	-7.35	-0.02
Lakshadweep	2	2.5	25.0	5.5	12.3	1.00	-5.00	-2.76	7.81	NA

Data source: Court News, Supreme Court of India; Data source: Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India

Notes: 1. States and Union Territories are arranged in decreasing order of improvement count within respective cluster. 2. All data is for the period 2012-13 to 2016-17, except 'difference in spend' (2011-12 to 2015-16). 3. States and UTs that share a High Court have been assigned the same value. 4. Judiciary expenditure data was not available for Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, and Lakshadweep. 5. Andhra Pradesh and Telangana have been excluded as 5-year data for these states was not available separately. *pre-Budget 2019.

Nadu scored the highest. Its judiciary improved its capacities across more indicators than other states. The 'changes' indicated by the trends, whether positive or negative, are not evenly spread across all the indicators and the complex picture hides particularities within states. Gujarat, for instance, performed well in reducing the number of pending cases and vacancies. However, cases pending for 5–10 years and over 10 years cumulatively accounted for 27 per cent of the total number of cases pending. Tamil Nadu, which performed better on improving the number of cases pending at the High Court level, and the cases pending per High Court judge, fell behind Gujarat on the high level of vacancies in its subordinate courts and High Court.

It would be simplistic to draw conclusions and correlations between any two states on their respective performance on static or trend indicators because, of a total 24 indicators, five-year data was available for only 9. In addition to this statistical limitation, the intrinsically complex nature of the judiciary and its various functions precludes any simple conclusions based only on quantitative analysis.

Human Resources

Indicator

- High Court judge vacancy (% , 2016-2017)
- Subordinate court judge vacancy (% , 2016-17)
- Population per High Court judge (Persons, 2016-17)
- Population per subordinate court judge (Persons, 2016-17)
- High Court staff vacancy (% , 2016-17)
- Judge vacancy (High Court) (pp, 2013-17)
- Judge vacancy (subordinate courts) (pp, 2013-17)

Judicial vacancies naturally affect both qualitative and quantitative outcomes. Restricting ourselves here to a quantitative analysis, the data reveals a linkage between long-standing vacancies and the increase in case load—sometimes to a very high degree. Inevitably, this reduces the time and attention that can be spent on each case, stretches out the period litigants must wait for resolution, perpetuates case accumulation, and ensures inevitable delays well into the future.

Each state has a sanctioned strength of High Court and subordinate court judges, and an actual strength that carries out its day-to-day functioning. While the sanctioned number itself may or may not be sufficient, it provides a benchmark for ranking states on their intention to fill up at least the number of posts they estimate will be needed to handle judicial functions in the future⁹.

Not a single High Court or state's subordinate judiciary had reached its complete complement of sanctioned judicial posts. Subordinate court vacancies ranged from a figure as low as in Maharashtra (4.5 per cent) to more than half the sanctioned posts being vacant as in the case of Mizoram (52 per cent). Bihar, Gujarat, Jharkhand and Uttar Pradesh all have high judicial vacancies in the subordinate courts of over 30 per cent, while Maharashtra, Tamil Nadu and West Bengal had less than 12 per cent.

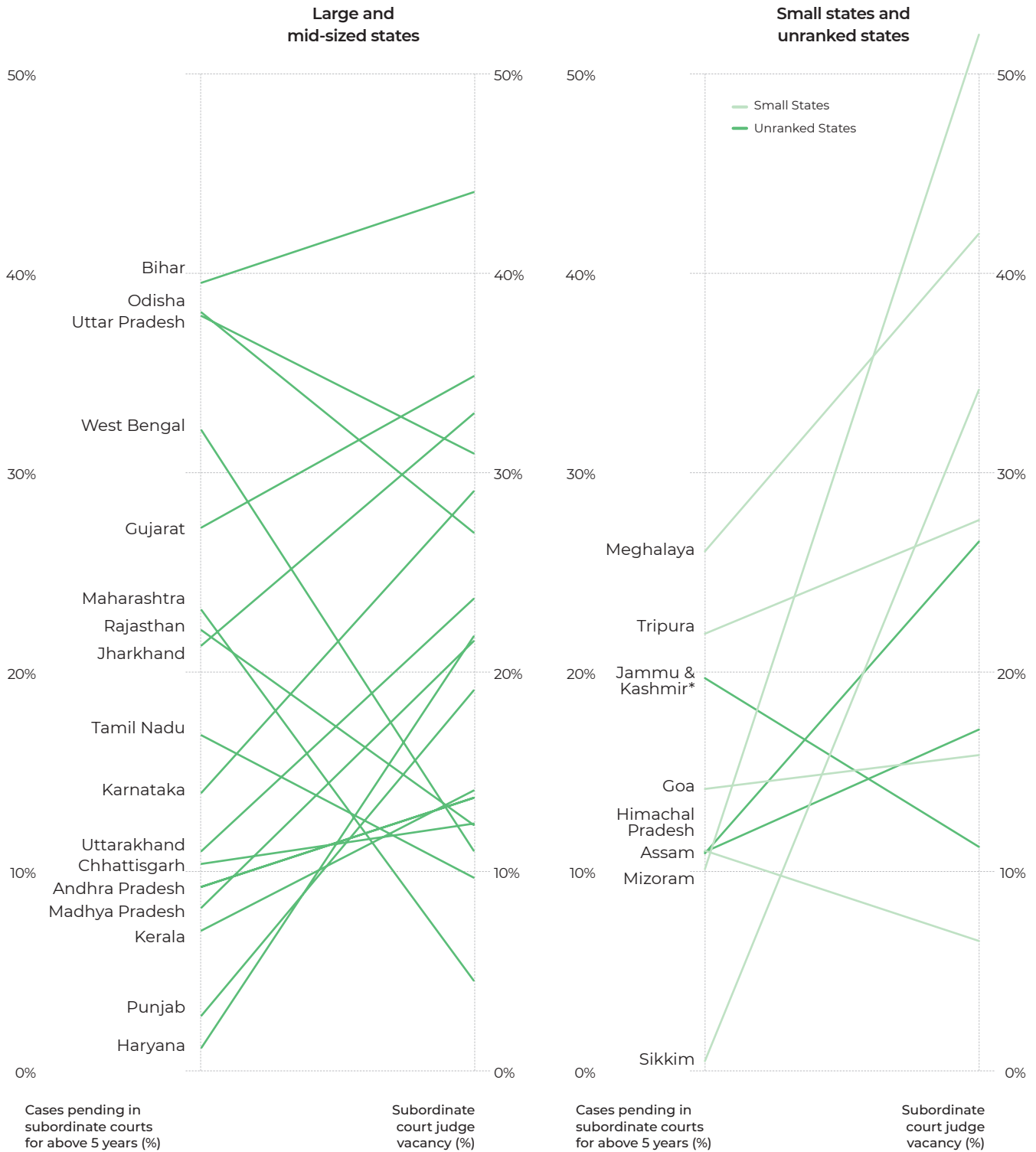
Each of our eighteen large and mid-sized states had High Court judge vacancies of above 25 per cent i.e. 1 in every 4 sanctioned High Court judge positions had not been filled. At the level of subordinate courts, six of the eighteen states had vacancies of above 25 per cent.

Even in states where judges are most needed, vacancies were on the rise. For example, Bihar and Uttar Pradesh, two of the five states with the highest number of pending cases, also showed subordinate court vacancies growing over 5 years (financial year 2013–2014 to 2016–2017).

⁹ American Bar Association. 'Judicial Vacancies', available at https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/independence_of_the_judiciary/judicial_vacancies/ (accessed on 19 April 2019).

Figure 13: Lower courts: vacancy and pendency

Increasing pendency is often attributed to the rising levels of vacancies in courts. States do not necessarily correspond to this. Ideally, in this chart, states should be towards the lower end of both pendency and vacancy.



Data sources: National Judicial Data Grid; Court News, Supreme Court of India.

Notes: 1. Data for 'cases pending in subordinate courts for above 5 years' as of August 2018; data for 'subordinate court judge vacancy' as of 2016-17. 2. Data on cases pending above 5 years for Arunachal Pradesh and Nagaland was not available. Hence, they have been excluded from this graphic. 3. The graph for Telangana is identical to Andhra Pradesh as the respective data sources for this indicator give combined figures for the two states. *pre-August 2019.

In the same period, Punjab and Haryana had made some progress: with fewer vacancies, a higher judge to population ratio, and much fewer cases pending for over 5 years.

In general, in the five-year period from 2012-2013 to 2016-2017, states had done better in reducing judge vacancies at lower levels than High Court levels. Eight states had reduced vacancies at the lower levels, but only three had done so at the High Court level. Gujarat and Rajasthan were the only two states to have reduced at both levels, but still had vacancies. Gujarat had 35 per cent judge vacancy in its subordinate courts and 39 per cent in its High Court. Rajasthan had 12 per cent judge vacancy in its subordinate courts and 35 per cent in its High Court.

India currently has not implemented a scientific method to calculate the number of judges required to handle litigation in the country. Historically, a judge to population ratio was recommended to calculate the number of judges required¹⁰. However, the Supreme Court has evaluated other methods to calculate judge strength, with the most recent method being the units system method recommended by the National Court Management Systems Committee (NCMSC).¹¹ Further, a time-based, weighted, case-load method has also been advocated for the same.¹²

As there is a limited amount of publicly available information, calculating the required judge strength based on the NCMSC's method will not be possible. Hence, the judge to population ratio has been discussed in this report to provide an approximate estimate of the judiciary's capacity to provide justice.

At an all-India level, in twenty-seven states and UTs, there is just one subordinate court judge for over 50,000 people. This includes seventeen of the eighteen large and mid-sized states, where 90 per cent of the country's population resides. But in five of these states, the ratio exceeds one judge per lakh population at the subordinate court level.

Delhi and Chandigarh though are better off at around 35,000 people per judge at the same level.

Across states, the judge to population ratio varies a great deal. Among the small states, Goa, at 30,386, had the best judge to population ratio at the subordinate court level. Among the larger states, at the subordinate courts level, Haryana with almost 50,300 people per judge had a better ratio than Uttar Pradesh, Bihar, West Bengal, and Andhra Pradesh where this number exceeded one lakh per judge.

A simple judge to population formula tempts the conclusion that fewer judges means longer waits and higher arrears, but no direct causality can be readily drawn between the two. For example, among the large and mid-sized states, at the subordinate courts level, judges in Jharkhand and Chhattisgarh had the lowest case load: 750 and 824 cases pending per judge respectively. Yet they were taking, on average, about 6 years to settle a case. In contrast, Uttarakhand and Punjab had a slightly higher case load (867 and 958 respectively) but were taking 4 years on average to settle a case.

Among the small states, Goa and Mizoram had low population to subordinate court judge ratios, however Mizoram had a low average pendency in both courts. Goa, despite having the lowest population per subordinate court judge ratio had a much higher pendency (5.05 years).

At the High Court level, Chhattisgarh had a high population per judge ratio and a high percentage of judicial (53 per cent) and non-judicial (35 per cent) vacancies, but low average pendency (2.3 years). Similarly, Tamil Nadu had a relatively lower population per judge (1 for every 15,61,595 persons) ratio, a low percentage of vacancies (34 per cent), but also a low average pendency (2.5 years). Since average pendency is influenced by multiple factors—such as the dominant type of cases being filed, the rate of institution of cases etc.—it is entirely possible a court has the capacity to handle its docket despite a shortfall of judges.

¹⁰ Law Commission of India. One hundred twentieth report on 'Manpower Planning in the Judiciary: A Blueprint' (1987). <http://lawcommissionofindia.nic.in/101-169/Report120.pdf>

¹¹ <http://doj.gov.in/sites/default/files/NCMS%20Report.pdf>

¹² http://dakshindia.org/wp-content/uploads/2019/05/PublicNotice_3MRRIN3QTHN.pdf (pp 40-41).

Shortage of non-judicial staff also hampers the functioning of the judiciary. However, paucity of readily available data for non-judicial staff strength means that the adverse effect of their shortages on delay and dysfunction remains unstudied¹³ and hidden. Available data from Courts signposts that 10 of the 18 large and mid-sized states—Chhattisgarh, Bihar, West Bengal, Uttarakhand, Tamil Nadu, Odisha, Uttar Pradesh, Gujarat, Punjab Haryana—work with more than 25 per cent non-judicial staff vacancies. But the unavailability of similar data at the subordinate court levels makes it impossible to accurately assess the actual need or the cumulative effect on the efficient delivery of justice in courts of first instance.

Workload

Indicator

- Average High Court pendency (Years, 2017-18)
- Average subordinate court pendency (Years, 2017-18)
- Cases pending (5-10 years) (subordinate courts) (% , 2018)
- Cases pending (10+ years) (subordinate courts) (% , 2018)
- Case clearance rate (High Court) (2016-17)
- Case clearance rate (subordinate courts) (2016-17)
- Case clearance rate (subordinate courts) (2012-17)
- Case clearance rate (High Court) (2012-17)

The Indian judiciary has historically grappled with the problem of delays and arrears. Over

the past decades, several high-level committees have examined the problem and recommended solutions.¹⁴ There is also ample research and discussion surrounding the impact of delays on litigants, on the deteriorating public perception of the system, the negative effects on the rule of law, and the economic costs to the country. In 2016, it was estimated that judicial delays cost India around 0.5 per cent of its GDP annually i.e. ₹50,387 crore (2015–2016 GDP).¹⁵ And yet, delays persist.

To assess how well the thorny issue of delay and arrears is being dealt with in each state, the report takes account of average pendency (how long on average a case remains pending before the courts) and the clearance rate (the number of cases disposed in a year, given the number of cases filed in that year). It also measures the five-year trends to estimate if things are improving on time.

Of course, not all cases need the same time for disposal. Complex commercial suits can take an average of just under 1500 days to clear¹⁶ while a traffic violation may take just a single hearing to clear a fine. With that caveat, the average pendency does give a macro picture of how states are doing overall.

At the subordinate court level, in twenty-one states and UTs, a case remains pending for 5 years on average or more. At the High Court level, among the large and mid-sized states, cases in Uttar Pradesh remained pending the longest at 4.3 years, while cases in Uttarakhand remained pending for 1.7 years. Among the small states, while the High Courts of Meghalaya (1.3 years), Sikkim (1.7 years), and Mizoram (2 years) had the lowest average pendency, Tripura (2.1 years), Goa (2.9 years), and Himachal Pradesh (3 years) had the highest. The range, too, varied: cases in Gujarat's subordinate courts remained pending for up to 9.5 years on average, while in Rajasthan's subordinate courts the average wait was 3.7 years.

¹³ Justice Lokur M.B. (2003), 'Case management and court administration', available online at http://lawcommissionofindia.nic.in/adr_conf/Justice_Lokur.pdf (last accessed on 10 May 2019).

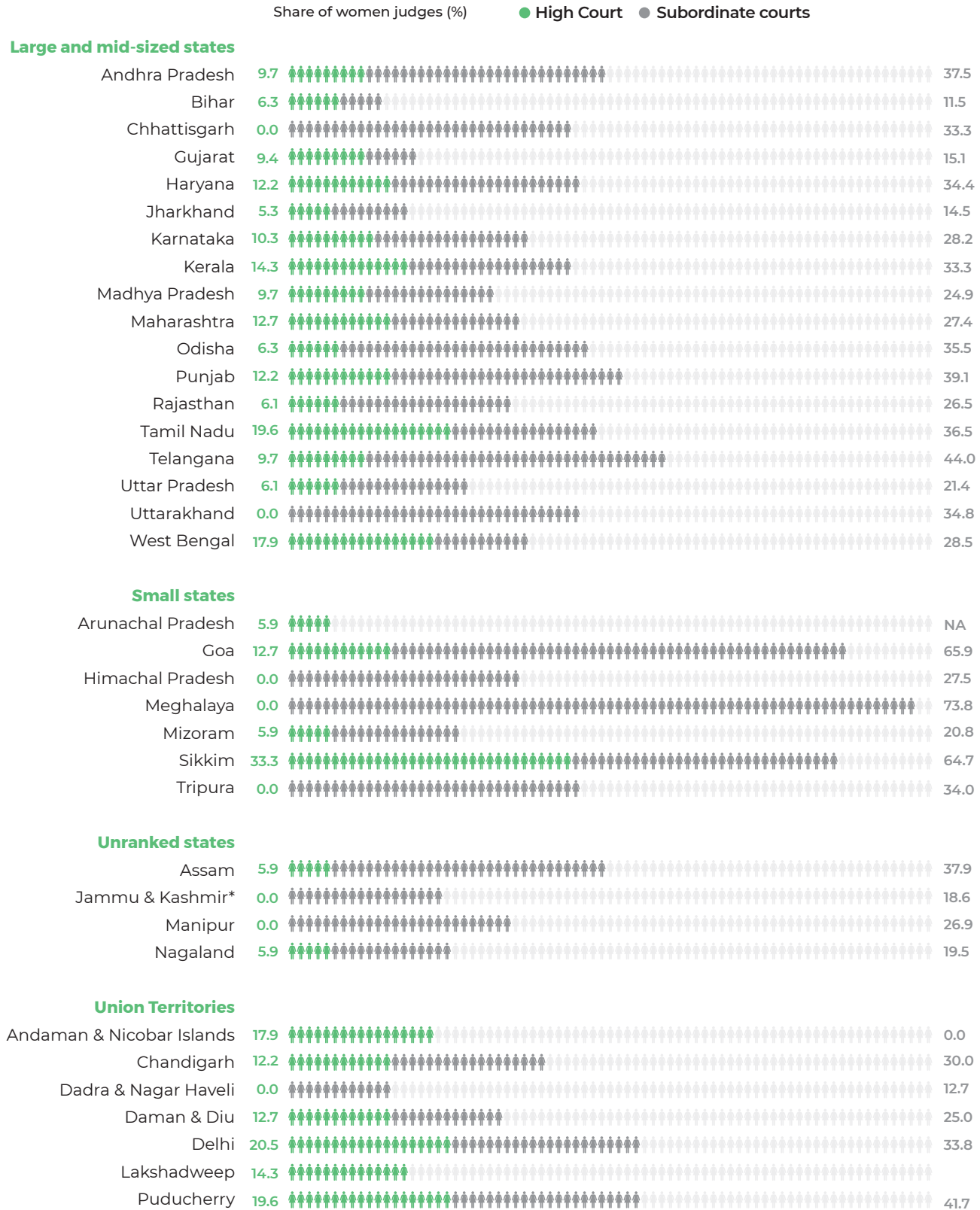
¹⁴ Bibek Debroy, 'Justice Delivery in India—A Snapshot of Problems and Reforms', Institute of South Asian Studies, Working Paper No. 47, 31 July 2008, p 18.

¹⁵ Harish Narasappa, Kavya Murthy, Surya Prakash B.S., and Yashas C. Gowda. 2016. 'Access to Justice Survey: Introduction, Methodology, and Findings', in Harish Narasappa and Shruti Vidyasagar (eds.), State of the Indian Judiciary: A Report, pp. 137-155. Bengaluru: DAKSH and EBC. Available online at http://dakshindia.org/state-of-the-indian-judiciary/28_chapter_15.html#_idTextAnchor320 (accessed on 19 April 2019).

¹⁶ Ministry of Law & Justice, 'World Bank Report on Doing Business 2018', (2018). Available online at http://doj.gov.in/sites/default/files/Brief%20Note%20on%20Doing%20Business%20Report-2018_2.pdf (accessed on 9 May 2019).

Figure 14: The glass ceiling in courts

In every state, there's a drop off in share of women judges from the subordinate courts to the High Court.



Data source: Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy. Notes: 1. States and Union Territories are arranged in alphabetical order within respective cluster. 2. Data for subordinate courts as of July 2017 and High Courts as of June 2018. 3. States and UTs that share a High Court have been assigned identical values. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands. *pre-August 2019.

In general, the number of cases pending in Indian courts is on the rise. One measure of change in the number of pending cases is the clearance rate. If a state disposes at least as many cases as it receives in a year, it is not adding to its pending workload. Only five High Courts managed this; in the states of Uttar Pradesh, West Bengal, Odisha, Himachal Pradesh, and Tripura. At the subordinate court level, only eight states and UTs qualified; namely Gujarat, Daman and Diu, Dadra and Nagar Haveli, Tripura, Odisha, Lakshadweep, Tamil Nadu, and Manipur.

On a five-year basis, the picture is only slightly better: only seven of the eighteen states have managed to lower the number of pending cases in subordinate courts and six of eighteen in High Courts¹⁷.

Some states were more diligent in clearing cases than others. Amongst the large and mid-sized states, at the subordinate court level, Odisha, Tamil Nadu, and Gujarat cleared as many cases in a year as the number that came in, so the arrears didn't grow larger with each year.

But backlogs are stubborn. Sikkim and Mizoram had a low clearance rate, despite having a lower workload than the large and mid-sized states. Himachal Pradesh had a high clearance rate (109 per cent at the High Court level) but still had high average pendency (3 years at the same level). These states along with Uttar Pradesh (90.48 per cent), Uttarakhand (87 per cent), and Bihar (87 per cent) with their low clearance rates at the subordinate courts, are bound to remain beleaguered with backlog for many years to come. Despite a high clearance rate (106 per cent), 38 per cent of subordinate court cases in Odisha lingered for more than 5 years and some even beyond 10.

While most states do not have a large proportion of cases pending for 5–10 years or longer, when a large proportion of such cases persist, they indicate multiple uncured systemic faults. Alarming, Bihar, Uttar Pradesh, West Bengal, Odisha, Gujarat along

with Meghalaya and Andaman and Nicobar Islands had at least one in every four, or 25 per cent of all cases, pending for more than 5 years.

While several factors, such as inadequate support staff, lawyers' delays, absence of witnesses, and case preparation, all play their part in the accumulation of cases and judicial delay, undeniably, excessive and persistent judicial vacancies have a significant and negative impact. Illustratively, Bihar, Gujarat, Jharkhand, and Uttar Pradesh had the highest average pendency in subordinate courts. Here subordinate court vacancies in 2016–2017 stood at over 30 per cent.

Diversity

Indicator

- Women judges (High Court) (% , 2017)
- Women judges (subordinate courts) (% , 2017)

Diversity in public institutions affirms the democratic idea of inclusiveness. In the judiciary, it reinforces the notion of equity and equality. There are quotas and reservations for subordinate court judges and non-judicial staff across states that ensure the representation of India's diversity. The unevenness of collection practices and data gaps, however, does not permit a fair comparison and assessment of diversity within the judiciary—except on gender. Data on caste and religious representation in the higher and lower judiciary is not available.

The presence of women judges portrays the institution that upholds law and dispenses justice as an equal opportunity space driven by fair, meritocratic, and non-discriminatory practices and norms¹⁸. Arguably, women on the bench also influence the quality of judicial decision-making, because the inclusion of their life experiences

¹⁷ Lower courts—West Bengal, Haryana, Odisha, Maharashtra, Punjab, Tamil Nadu and Gujarat. High courts—Uttar Pradesh, Rajasthan, Maharashtra, Tamil Nadu, West Bengal and Odisha.

¹⁸ Rosemary Hunter, 'More than Just a Different Face? Judicial Diversity and Decision-making', *Current Legal Problems*, Vol. 68, (2015), pp. 119–141.

must necessarily allow a wider variety of human experiences into the process of judging.¹⁹

Unfortunately, despite wide acceptance of the value of gender diversity, the actual presence of women in state judiciaries is underwhelming.²⁰ No state has adopted affirmative action for women judges in their High Courts. Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Karnataka, Odisha, Rajasthan, Tamil Nadu, Telangana and Uttarakhand do provide for reservations in the subordinate judiciary. These range from 30 per cent to 35 per cent,²¹ and in 9 out of 18 large and mid-sized states,²² the share of women judges in subordinate courts exceeded 30 per cent. Telangana (44 per cent) and Punjab (39 per cent) had the highest share of women judges, and Bihar (11.5 per cent) and Jharkhand (14.5 per cent) the least.

Of the states that have affirmative action policies, Bihar, Rajasthan and Karnataka had not met the mandated number. Women make up 11.5 per cent of judges in subordinate courts in Bihar, 26.5 per cent in Rajasthan and 28.2 per cent in Karnataka. Irrespective of size, the glass ceiling is well and truly in place in all states. Nationally, the share of women judges falls from 28 per cent in subordinate courts to about 11 per cent in High Courts. As of June 2018, seven states did not have a single woman judge in the High Court.

Among the large and mid-sized states, at just above 44 per cent, Telangana had the largest share of women in the subordinate courts, but at the High Court level this drops to a meagre 10 per cent. Similarly, Punjab with 39 per cent at the subordinate level drops down to 12 per cent in the High Court. This pattern is apparent everywhere, with only Tamil Nadu breaking the trend with a high number of women at the High Court level (19.6 per cent), and more women than its quota of 35 per cent in the subordinate courts.

Among the small states, Meghalaya (74 per cent) and Goa (66 per cent) had the largest share of women judges at the subordinate courts level. However, Goa's share at the High Court level was just 12.68 per cent. Sikkim, an outlier, demonstrates a high share of women at both levels, with 64.71 per cent in the High Court and 33.33 per cent at the subordinate court level. In terms of absolute numbers, however, this would be 1 female judge of 3, at the High Court-level, and 11 female judges out of 17 at the level of subordinate courts.

Infrastructure

Indicator

- Courthall shortfall (% , 2016, March 2018)

Ideally, for every judge there must be a courtroom. This presents a parallel challenge: were all vacancies to be filled, would every judge have the requisite physical infrastructure to dispense justice?²³

Looked at nationally, as of March 2018, the number of existing court halls is sufficient for the current working strength of judges. In fact, there is a 11.3 per cent surplus. But when compared with the sanctioned strength, that 11.3 per cent surplus turns into an 18 per cent deficit. If the sanctioned strength of judges in each state were met only four states²⁴ and 2 UTs²⁵ would have sufficient courtrooms. Ten of the remaining states and UTs would have a deficit of above 20 per cent, with Mizoram having the highest deficit of 46 per cent.

If the full complement of sanctioned judge strength were appointed there would be a shortfall of 4,071 court halls. The centre had set a target of

19 Deepika Kinhal, 'Current crisis in SC is an opportunity to address serious gender disparity on the bench', *Indian Express*, 8 May 2019.

20 Ghosh A. et. al. (2018), 'Tilting the scale: Gender imbalance in the Lower Judiciary', Vidhi Centre for Legal Policy. Available online at <https://vidhilegalpolicy.in/reports/report-on-gender-imbalance-in-the-lower-judiciary> (last accessed on 16 April 2019); and, Sanyal D., 'Breaking the glass ceiling in judiciary', *Financial Express*, 27 February 2018.

21 Ghosh A. et. al. (2018), 'Tilting the scale', p 7.

22 Kerala (33.26%), Chhattisgarh, Haryana, Uttarakhand, Odisha, Tamil Nadu, Andhra Pradesh, Punjab and Telengana (44%).

23 In Re: Filling up vacancies, suo motu W.P. (C) 2/2018.

24 Goa, Nagaland (not ranked), Arunachal Pradesh and Kerala.

25 Chandigarh and Lakshadweep.

completing the construction of 2,730 court halls within the financial year 2018–19.²⁶ Going into the next decade, India will still be short by half of what it needs in the way of court rooms. The slow pace of building new courtrooms will influence the pace of judge recruitment, and if any state revises the sanctioned number of judges upwards and actually fills the posts any time in the near future, the shortage of court halls will become ever more acute.

Meanwhile, the challenge of renovating and modernizing older structures to new standards continues. A recent study showed that several district courts within the National Capital Region have dilapidated buildings, poor facilities, and lack any forethought in design to accommodate disabled litigants.²⁷ It is imperative, at the minimum, the baseline set by the Supreme Court's NCMS committee be met by all courts to which it applies. Furthermore, regular infrastructural audits should be sanctioned by the state High Courts for courts within their jurisdiction, to facilitate a better-informed outlook towards infrastructural reforms for the judiciary.²⁸

The close interplay between different segments of the justice system means that deficits in one

will inevitably have adverse effects on another. Conversely, even small improvements will have positive effects. Our present study points to gap areas that could, with relatively little effort, assist in improving the capacity of the judiciary: increasing expertise in evolving budgets, measuring utilization, and taking year-on-year corrective action is one. This will itself impact on the ability to free up some finances to fill vacancies. A cooperative approach between executive and judiciary to quickly fill vacancies and use the exercise to ensure diversity could kill two birds with one stone. All of this may go some way towards reducing the pile up and the time taken to clear cases through the courts. Lastly, there is an overall need to push the envelope for more evidence-based judicial reforms. Improvements in access to justice must be grounded in and benefit from reliance on granular-data driven interventions whose value is seen in other avenues of social justice, and rights such as health and education.

Leah Verghese, DAKSH

Shruthi Naik, DAKSH

Ameen Jauhar, Vidhi Centre for Legal Policy

Diksha Sanyal, Vidhi Centre for Legal Policy

26 Pradeep Thakur, 'Shortage of 4,000 courtrooms even if all judge posts filled up', *Times of India*, 5 November 2018.

27 Pillai A. and Chandrashekar R. (2018), 'Status of physical infrastructure in lower judiciary', Vidhi Centre for Legal Policy. Available online at <https://vidhilegalpolicy.in/reports/2018/4/19/status-of-physical-infrastructure-in-lower-judiciary> (last accessed on 13 May 2019).

28 Sanyal D., Sekhar S. and Chandrashekar S (2019), 'Building better courts: Surveying the infrastructure of India's district courts. Available online at https://vidhilegalpolicy.in/wp-content/uploads/2019/08/National-report_BBC.pdf (last accessed on 31 August 2019).

Table 8: Indicator-wise data, state scores and ranks

Theme	Budgets		Human resources			
	Indicator	Per capita spend on judiciary (Rs, 2015-16)	Population per High Court judge (2016-17) ^{2,3}	Population per sub. court judge (2016-17) ²	High Court judge vacancy (%; 2016-17) ³	Sub. court judge vacancy (%; 2016-17) ⁴
Scoring guide	Higher, the better	Lower, the better	Lower, the better	Lower, the better	Higher, the better	Lower, the better
Large and mid-sized states						
Andhra Pradesh	135	3,452,277	100,393	59.8	13.6	11.7
Bihar	62	3,558,956	101,933	44.8	44.0	32.3
Chhattisgarh	74	2,492,214	73,777	53.4	12.3	34.9
Gujarat	109	1,903,612	53,629	38.9	34.8	26.0
Haryana	201	1,183,612	50,301	46.2	21.7	25.2
Jharkhand	91	2,399,137	73,185	45.0	32.9	13.0
Karnataka	113	2,143,695	66,300	54.0	29.0	14.9
Kerala ¹	185	963,181	80,886	26.1	14.0	5.5
Madhya Pradesh	85	2,060,335	57,789	33.5	21.5	13.7
Maharashtra	124	1,838,070	52,098	33.8	4.5	18.1
Odisha	80	2,209,169	69,523	29.6	27.0	28.6
Punjab	184	1,183,612	50,835	46.2	19.0	25.2
Rajasthan	96	2,109,183	65,006	35.0	12.3	23.7
Tamil Nadu	110	1,561,595	76,488	34.0	9.6	28.6
Telangana	103	3,452,277	100,393	59.8	13.6	11.7
Uttar Pradesh	75	2,459,229	113,080	49.2	30.9	26.7
Uttarakhand	130	1,833,871	46,056	40.5	23.6	30.2
West Bengal	52	2,380,693	101,643	46.5	11.0	31.1
Small states						
Arunachal Pradesh	78	2,338,689	81,396	36.5	28.4	14.8
Goa	348	1,838,070	30,386	33.8	15.8	18.1
Himachal Pradesh	204	686,460	47,342	23.1	6.5	6.2
Meghalaya	94	988,963	78,076	25.0	42.0	19.5
Mizoram	224	2,338,689	36,271	36.5	52.0	14.8
Sikkim	464	244,231	45,228	16.7	34.1	13.8
Tripura	163	864,451	47,869	26.1	27.6	15.0
Unranked states						
Assam	61	2,338,689	100,098	36.5	26.5	14.8
Jammu & Kashmir*	127	1,320,137	57,397	44.1	11.2	15.3
Manipur	130	878,706	83,994	35.0	17.1	13.4
Nagaland	144	2,338,689	80,755	36.5	22.8	14.8
Union Territories						
Andaman & Nicobar Islands	NA ¹	2,380,693	101,643	46.5	11.0	31.1
Chandigarh	NA ¹	1,183,612	35,182	46.2	0.0	25.2
Dadra & Nagar Haveli	NA ¹	1,838,070	106,719	33.8	21.4	18.1
Daman & Diu	NA ¹	1,838,070	106,719	33.8	21.4	18.1
Delhi	453	472,900	34,366	40.8	38.2	29.7
Lakshadweep	NA ¹	963,181	23,445	26.1	8.3	5.5
Puducherry	125	1,561,595	94,185	34.0	49.0	28.6

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Court News, Supreme Court of India; National Judicial Data Grid; eCourts Services; Websites of High Courts; Approaches to Justice in India: A Report by DAKSH; Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy; Open Budgets India; Department of Justice.

Notes: 1. Data for 'Aug 2018' is as of August 23, 2018; for 'Sep 2017' is as of September 19, 2017; for 'Aug 2017' is as of August 29, 2017. 2. Sub. court: subordinate court. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year.

¹ Judiciary expenditure data not available.

² Population of states and UTs that share a High Court has been combined, and hence they will show an identical value. Population of states and UTs for which Court News shows combined data for subordinate courts has been combined, and hence they will show an identical value.

³ States and UTs that share a High Court have been assigned identical values for High Court indicators. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands.

⁴ Court News gives combined figures for subordinate courts for West Bengal and Andaman & Nicobar Islands; Andhra Pradesh and Telangana; Dadra & Nagar Haveli and Daman & Diu. Hence, each pair has identical values for these indicators.

Table 8: Indicator-wise data, state scores and ranks

Theme	Diversity		Infrastructure	Workload		Average High Court pendency (years, Sep 2017) ²
	States	Women judges (High Court) (%), Jun 2018 ³	Women judges (sub. court) (%), Jul 2017	Courthall shortfall (%), 2016-17, Mar 2018	Cases pending (5-10 years) (sub. court) (%), Aug 2018	
Scoring guide	Higher, the better	Higher, the better	Lower, the better	Lower, the better	Lower, the better	Lower, the better
Large and mid-sized states						
Andhra Pradesh	9.7	37.5	NA ⁵	7.46	1.70	2.8
Bihar	6.3	11.5	26.6	23.69	15.80	2.9
Chhattisgarh	0.0	33.3	5.6	9.52	0.80	2.3
Gujarat	9.4	15.1	16.5	15.08	12.13	3.3
Haryana	12.2	34.4	19.4	0.99	0.11	2.8
Jharkhand	5.3	14.5	10.1	17.78	3.50	2.8
Karnataka	10.3	28.2	23.6	11.61	2.29	4.1
Kerala ¹⁰	14.3	33.3	0.0	6.25	0.73	2.6
Madhya Pradesh ¹⁰	9.7	24.9	12.9	7.04	1.08	2.6
Maharashtra	12.7	27.4	3.0	15.51	7.55	2.9
Odisha	6.3	35.5	35.1	21.43	16.57	3.4
Punjab	12.2	39.1	17.2	2.47	0.23	2.8
Rajasthan	6.1	26.5	17.3	17.25	4.80	4.3
Tamil Nadu	19.6	36.5	0.8	12.87	3.91	2.5
Telangana	9.7	44.0	NA ⁵	7.46	1.70	2.8
Uttar Pradesh	6.1	21.4	14.3	24.04	13.78	4.3
Uttarakhand	0.0	34.8	22.2	9.01	1.95	1.7
West Bengal	17.9	28.5	NA ⁵	19.47	12.61	3.7
Small states						
Arunachal Pradesh	5.9	NA	0.0	NA ⁶	NA ⁶	2.0
Goa	12.7	65.9	0.0	9.70	4.39	2.9
Himachal Pradesh	0.0	27.5	2.6	10.60	0.39	3.0
Meghalaya	0.0	73.8	42.0	15.25	10.78	1.3
Mizoram	5.9	20.8	46.0	9.14	0.93	2.0
Sikkim	33.3	64.7	26.8	0.28	0.14	1.7
Tripura	0.0	34.0	35.8	11.38	10.51	2.1
Unranked states						
Assam	5.9	37.9	18.9	9.46	1.39	2.0
Jammu & Kashmir*	0.0	18.6	17.9	16.57	3.09	1.1
Manipur	0.0	26.9	9.8	6.78	4.14	2.2
Nagaland	5.9	19.5	0.0	NA ⁶	NA ⁶	2.0
Union Territories						
Andaman & Nicobar Islands	17.9	0.0	NA ⁵	19.10	8.18	3.7
Chandigarh	12.2	30.0	0.0	1.80	0.15	2.8
Dadra & Nagar Haveli	12.7	0.0	NA ⁵	14.20	6.74	2.9
Daman & Diu	12.7	25.0	NA ⁵	14.20	6.74	2.9
Delhi	20.5	33.8	39.0	6.24	0.79	3.4
Lakshadweep	14.3	NA	0.0	7.87	7.87	2.6
Puducherry	19.6	41.7	23.1	13.31	3.31	2.5

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Court News, Supreme Court of India; National Judicial Data Grid; eCourts Services; Websites of High Courts; Approaches to Justice in India: A Report by DAKSH; Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy; Open Budgets India; Department of Justice.

Notes: 1. Data for 'Aug 2018' is as of August 23, 2018; for 'Sep 2017' is as of September 19, 2017; for 'Aug 2017' is as of August 29, 2017. 2. Sub. court: subordinate court. 3. pp; percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year.

³ States and UTs that share a High Court have been assigned identical values for High Court indicators. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands.

⁵ States and UTs for which Court News gives combined data for subordinate courts were excluded from this indicator.

⁶ Data not available on National Judicial Data Grid.

Table 8: Indicator-wise data, state scores and ranks

Theme	Indicator	Workload			Trends			
		Average sub. court pendency (years, Aug 2017)	Case clearance rate (High Court) (%; 2016-17) ^{3,7}	Case clearance rate (sub. court) (%; 2016-17) ⁴	Cases pending (per High Court judge) (%; FY '13-'17) ^{3,7}	Cases pending (per sub. court judge) (%; FY '13-'17) ⁴	Total cases pending (High Court) (%; FY '13-'17) ^{3,7}	Total cases pending (sub. court) (%; FY '13-'17) ⁴
Scoring guide		Higher, the better	Higher, the better	Lower, the better	Lower, the better	Lower, the better	Lower, the better	
Large and mid-sized states								
Andhra Pradesh ⁹		4.3	73	94	NA	NA	NA	NA
Bihar		6.3	90	87	7.3	4.8	2.6	5.8
Chhattisgarh		5.8	84	100	5.4	-6.0	1.3	1.2
Gujarat		9.5	98	129	-3.3	-7.2	1.4	-2.7
Haryana		5.4	81	92	4.3	-6.8	4.5	-0.6
Jharkhand		6.9	85	91	4.2	1.2	6.8	2.6
Karnataka		4.0	70	93	15.3	0.5	7.8	3.6
Kerala		4.9	88	92	2.5	6.1	5.5	7.5
Madhya Pradesh		5.9	91	95	5.3	0.5	4.5	2.0
Maharashtra		6.4	87	92	-5.7	-4.3	-4.9	-0.9
Odisha		8.0	102	106	-8.5	-3.1	-9.5	-0.7
Punjab		3.9	81	99	4.3	-7.9	4.5	-1.4
Rajasthan		3.7	96	96	-6.2	-5.3	-1.9	1.4
Tamil Nadu		4.8	95	102	-5.6	-6.1	-6.9	-1.7
Telangana ⁹		4.3	73	94	NA	NA	NA	NA
Uttar Pradesh		6.8	100	90	-4.6	2.0	-1.6	0.9
Uttarakhand		3.9	75	87	17.1	-2.9	10.3	5.5
West Bengal		6.1	101	91	-6.8	-2.8	-8.4	0.0
Small states								
Arunachal Pradesh		NA	82	57	-4.4	-4.5	-8.8	17.2
Goa		5.1	87	94	-5.7	4.7	-4.9	7.5
Himachal Pradesh		5.5	110	94	-1.7	1.1	-7.2	5.4
Meghalaya		2.7	88	92	-9.5	8.4	-10.1	40.4
Mizoram		4.0	82	98	-4.4	3.6	-8.8	2.3
Sikkim		5.9	75	97	15.4	-3.5	22.2	3.5
Tripura		6.3	106	106	-19.2	21.4	-17.9	24.8
Unranked states								
Assam		3.9	82	94	-4.4	-4.0	-8.8	0.2
Jammu & Kashmir*		6.9	85	89	-6.8	-9.1	-4.6	-6.5
Manipur		5.8	99	102	-14.0	-10.2	-5.0	-3.3
Nagaland		5.1	82	96	-4.4	-0.2	-8.8	0.5
Union Territories								
Andaman & Nicobar Islands		6.2	101	91	-6.8	-2.8	-8.4	0.0
Chandigarh		NA	81	98	4.3	-14.1	4.5	-8.0
Dadra & Nagar Haveli		8.4	87	110	-5.7	2.2	-4.9	1.0
Daman & Diu		8.4	87	110	-5.7	2.2	-4.9	1.0
Delhi		3.9	91	87	2.4	-3.8	1.4	-2.9
Lakshadweep		NA	88	104	2.5	25.0	5.5	12.3
Puducherry		7.2	95	94	-5.6	2.3	-6.9	1.6

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Court News, Supreme Court of India; National Judicial Data Grid; eCourts Services; Websites of High Courts; Approaches to Justice in India: A Report by DAKSH; Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy; Open Budgets India; Department of Justice.

Notes: 1. Data for 'Aug 2018' is as of August 23, 2018; for 'Sep 2017' is as of September 19, 2017; for 'Aug 2017' is as of August 29, 2017. 2. Sub. court: subordinate court. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year.

³ States and UTs that share a High Court have been assigned identical values for High Court indicators. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands.

⁴ Court news gives combined figures for subordinate courts for West Bengal and Andaman & Nicobar Islands; Andhra Pradesh and Telangana; Dadra & Nagar Haveli and Daman & Diu. Hence, each pair has identical values for these indicators. ⁷ HC judge and cases data was not available for 2011-12 for Manipur, Meghalaya and Tripura. Hence, a 4-year trend has been computed for these states for this indicator. ⁹ Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately.

Table 8: Indicator-wise data, state scores and ranks

Theme	Indicator	Trends				Difference in spend: judiciary vs state (pp, FY '12-'16)	Score (out of 10)	Rank in cluster
		Judge vacancy (High Court) (pp, FY '13-'17) ^{3,7}	Judge vacancy (sub. court) (pp, FY '13-'17) ⁴	Case clearance rate (High Court) (pp, FY '13-'17) ³	Case clearance rate (sub. court) (pp, FY '13-'17) ⁴			
Scoring guide		Lower, the better	Lower, the better	Lower, the better	Lower, the better	Higher, the better		
Large and mid-sized states								
Andhra Pradesh ⁹		NA	NA	NA	NA	NA	4.49	13
Bihar		5.82	1.25	-4.84	1.59	-9.81	2.41	18
Chhattisgarh		4.29	0.50	-4.73	-0.11	-5.47	4.64	12
Gujarat		-0.19	-2.72	-3.06	6.11	-1.45	5.32	7
Haryana		2.32	-0.64	-1.95	-0.57	-0.34	6.23	3
Jharkhand		1.00	3.25	-1.59	-1.41	-9.06	4.30	14
Karnataka		6.71	2.30	-3.03	-1.87	-6.45	3.76	16
Kerala		1.00	0.93	-2.76	-0.13	-2.16	5.61	5 ¹⁰
Madhya Pradesh		3.44	2.02	-0.20	-0.84	-4.56	5.61	6 ¹⁰
Maharashtra		2.82	-1.03	-1.40	-7.71	-1.03	5.96	4
Odisha		1.15	2.46	4.75	4.19	-7.97	4.78	9
Punjab		2.32	-0.25	-1.95	-0.58	6.77	6.57	2
Rajasthan		-0.13	-1.33	-3.55	-2.31	-12.59	5.04	8
Tamil Nadu		3.47	-0.42	1.29	0.17	-3.29	6.99	1
Telangana ⁹		NA	NA	NA	NA	NA	4.68	11
Uttar Pradesh		-1.66	3.75	2.91	-0.65	-7.38	3.70	17
Uttarakhand		3.66	-4.57	-2.27	-1.97	-5.86	4.17	15
West Bengal		3.53	-1.00	3.50	-3.32	-9.66	4.70	10
Small states								
Arunachal Pradesh		3.54	5.68	-4.16	-9.45	36.00	2.81	7
Goa		2.82	0.30	-1.40	-0.55	-1.18	5.19	2
Himachal Pradesh		4.16	-0.94	3.61	0.05	-3.08	4.95	3
Meghalaya		6.25	-6.88	4.86	2.06	21.33	3.74	4
Mizoram		3.54	0.24	-4.16	-1.13	-2.08	3.66	5
Sikkim		-5.00	0.68	-2.87	-0.43	8.16	5.36	1
Tripura		6.52	-0.24	-3.92	0.68	-2.07	3.59	6
Unranked states								
Assam		3.54	-0.29	-4.16	-0.21	-2.74	Not ranked	
Jammu & Kashmir*		0.61	0.59	4.41	-0.98	-1.82	Not ranked	
Manipur		-3.75	-1.62	-9.26	1.56	19.80	Not ranked	
Nagaland		3.54	0.71	-4.16	-7.91	1.38	Not ranked	
Union Territories								
Andaman & Nicobar Islands		3.53	-1.00	3.50	-3.32	NA ⁸	Not ranked	
Chandigarh		2.32	0.00	-1.95	-2.72	NA ⁸	Not ranked	
Dadra & Nagar Haveli		2.82	0.00	-1.40	-3.05	NA ⁸	Not ranked	
Daman & Diu		2.82	0.00	-1.40	-3.05	NA ⁸	Not ranked	
Delhi		3.48	2.64	-3.53	-7.35	-0.02	Not ranked	
Lakshadweep		1.00	-5.00	-2.76	7.81	NA ⁸	Not ranked	
Puducherry		3.47	2.81	1.29	-0.23	3.10	Not ranked	

States arranged by clusters in alphabetical order. * pre-August 2019.

Data sources: Court News, Supreme Court of India; National Judicial Data Grid; eCourts Services; Websites of High Courts; Approaches to Justice in India: A Report by DAKSH; Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Application under Right to Information (RTI) Act filed by Vidhi Centre for Legal Policy; Open Budgets India; Department of Justice.

Notes: 1. Data for 'Aug 2018' is as of August 23, 2018; for 'Sep 2017' is as of September 19, 2017; for 'Aug 2017' is as of August 29, 2017. 2. Sub. court: subordinate court. 3. pp: percentage points (the difference between two percentages). 4. NA: Not available. 5. CY: Calendar year; FY: Financial year.

³ States and UTs that share a High Court have been assigned identical values for High Court indicators. These are Andhra Pradesh and Telangana; Assam, Arunachal Pradesh Mizoram and Nagaland; Kerala and Lakshadweep; Maharashtra, Goa, Dadra & Nagar Haveli, and Daman & Diu; Punjab, Haryana and Chandigarh; Tamil Nadu and Puducherry; West Bengal and Andaman & Nicobar Islands.

⁴ Court news gives combined figures for subordinate courts for West Bengal and Andaman & Nicobar Islands; Andhra Pradesh and Telangana; Dadra & Nagar Haveli and Daman & Diu. Hence, each pair has identical values for these indicators. ⁷ HC judge and cases data was not available for 2011-12 for Manipur, Meghalaya and Tripura. Hence, a 4-year trend has been computed for these states for this indicator. ⁸ Judiciary expenditure data was not available. ⁹ Andhra Pradesh and Telangana are not included in trends as their 5-year data was not available separately. ¹⁰ For reasons of readability, the score is shown up to 2 decimals. While they both show the same score, Kerala is ranked above Madhya Pradesh on the third decimal (5.611 versus 5.606).