

**The miserable state of Justice Delivery as per the India Justice Report,
2019: A case study of Uttar Pradesh**

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Introduction

The India Justice Report 2019 was a first of its kind initiative that ranked 18 large and 7 small states in their capacity to deliver justice, and was done in collaboration with various think tanks like TISS-Prayas, Centre for Social Justice, Common Cause etc.¹ The report comprises data of the past seven years, collected from various public bodies such as the Supreme Court, Ministry of Law and Justice, National Crime Records Bureau, etc.² Justice (Retd.) Madan B. Lokur said, "The idea of the report is not to say which state is the best so far as the justice delivery system is concerned. It is about the capacity to deliver justice and not the quality of justice delivery and what can be done to remove those shortfalls."³

Features and Result of the report

The report that came out on the 7th of November, ranks the social justice delivery system of the states not only against the standards of other states but also according to the standards set by them, on the basis of four pillars which are - police, prisons, legal aid and judiciary.⁴ Now, these four categories were again assessed on seven grounds which are finances, human resource, diversity, infrastructure, work pressure on the population, five-year trends and personnel.⁵ Apart from the aforementioned categorisation, the states were classified into four different categories (Small states, Large and mid-sized states, Unranked states and the Union

¹ SIR DORABJI TATA TRUST, INDIA JUSTICE REPORT 2019, at 6 (2019).

² Nishant Sirohi, *India Justice Report 2019: A report on the state of Social Justice in India*, THE LEAFLET (Nov. 12, 2019), <http://theleaflet.in/india-justice-report-2019-a-report-on-the-state-of-social-justice-in-india/>.

³ Sonal Khetarpal, *No states score above 60% on justice delivery system: India Justice Report*, BUSINESS TODAY (Nov. 9, 2019), <https://www.businesstoday.in/latest/trends/no-states-score-above-60-percent-on-justice-delivery-system-india-justice-report/story/389401.html>.

⁴ *Maharashtra tops in Justice Delivery*, THE HINDU (Nov. 7, 2019), <https://www.thehindu.com/news/national/maharashtra-tops-in-justice-delivery-report/article29910269.ece>.

⁵ Maja Daruwala, *The state of Justice in India today*, HINDUSTAN TIMES (Nov. 8, 2019), <https://www.hindustantimes.com/india-news/the-state-of-justice-in-india-today/story-6rFJxFlndeTmXVUPf7K8pK.html>.

Territories) for the purpose of this report.⁶ The result of the report shows that the judiciary of the country is still grappling with the problems of vacancies, budget inadequacies, and poor representation of women, overcrowded prisons and slow case dispositions, among other things. Maharashtra has topped the list while Uttar Pradesh ranked at the bottom in the category of large sized states.⁷ Goa topped the list in the small states category while Tripura ranked last.⁸

Even though Maharashtra topped the rankings, it did not score more than 60%, which probably is the best evidence of the crippling judicial system of the country.⁹ As per the findings of the report, 0.08% of the GDP of our country is spent on the Judiciary.¹⁰ “On an average, except Delhi (1.9%), every other state and Union Territory spends less than 1% on its judiciary,” said the report.¹¹

Reasons and Remedies for Uttar Pradesh’s performance

Uttar Pradesh has an overall rank of 18 in the category of large and mid-sized states.¹² On the basis of the various parameters, the states were scored out of 10 and UP scored only 3.32, which explains why it is ranked at the bottom.¹³ In terms of policing, which was measured according to its modernisation, budget, etc. the state scored 2.98 on a scale of 10.¹⁴ For Legal Aid, UP fared worst with a score of 2.5 and scored 4.42 in terms of prison.¹⁵ Judiciary was marked on the basis of vacancies, case pendency, budgetary allocation etc. and UP scored 3.7.¹⁶ UP, with over 90 percent cases pending for over 5 years in the subordinate courts, had the lowest clearing rate as per the report.¹⁷ In case of prisons and legal aid, it showed that one

⁶ Meera Emmanuel, *India Justice Report on the Judiciary: Average case pendency in Subordinate Courts is 5 years*, BAR AND BENCH (Nov. 8, 2019), <https://www.barandbench.com/news/india-justice-report-on-the-judiciary-average-case-pendency-in-subordinate-courts-is-5-years>.

⁷ *Supra* note 4.

⁸ *Goa tops small states in Justice Delivery*, THE TIMES OF INDIA (Nov. 8, 2019), <https://timesofindia.indiatimes.com/city/goa/goa-tops-small-states-in-justice-delivery/articleshow/71962637.cms>

⁹ *Even best-performing states in India in terms of justice delivery score quite low*, FINANCIAL EXPRESS (Nov. 11, 2019), <https://www.financialexpress.com/opinion/even-best-performing-states-in-india-in-terms-of-justice-delivery-score-quite-low/1760573/>.

¹⁰ SIR DORABJI TATA TRUST, *supra* note 1, at 61.

¹¹ Swati Deshpande, *Maharashtra 1st in justice delivery, but scores under 60%: Study*, THE TIMES OF INDIA (Nov. 8, 2019), <https://timesofindia.indiatimes.com/india/maharashtra-1st-in-justice-delivery-but-scores-under-60-study/articleshow/71963416.cms>.

¹² SIR DORABJI TATA TRUST, *supra* note 1, at 6.

¹³ Nikhil Rampal, *UP, Bihar at bottom of India’s justice league*, INDIA TODAY (Nov. 7, 2019), <https://www.indiatoday.in/diu/story/up-bihar-india-s-justice-league-1616619-2019-11-07>

¹⁴ SIR DORABJI TATA TRUST, *supra* note 1, at 20.

¹⁵ *Id.*

¹⁶ Sirohi, *supra* note 2.

¹⁷ SIR DORABJI TATA TRUST, *supra* note 1, at 69.

sanctioned correctional staff in Uttar Pradesh is handling 95,366 inmates and just one legal aid clinic is available for every 1,600 villages in the state.¹⁸

One of the main reasons for such a performance is that the government is getting satisfied with the ad hoc arrangements to cure the problems which exist at the grass-root level instead of adhering to proper long-term solutions to solve those. For example, every once in a while, there is a demand to establish special courts for dealing with a specific category of cases. “The latest such demand is to establish special courts for cases against ‘criminal’ legislators. Does acceding to these ad hoc demands really help the justice delivery system? If the entire body is suffering from an ailment, treating one limb or the other cannot bring relief to the entire body, but might make the suffering worse.”¹⁹

All these apart, the National Crime Records Bureau (NCRB) report, that came out earlier last month, reports UP to be the state with the maximum number of crimes.²⁰ One out of every ten cases filed in the country came from Uttar Pradesh.²¹ The state topped in the crimes against women with 56,000 crimes reported in a year.²² These statistics give a fair idea of the number of cases which would be reported on a daily basis in the state. Due to the lack of proper infrastructure and budgetary requirements, the state isn’t able to cater to the demands of the various cases which leads to the problems of increasing pendency of cases. This is also due to the fact that there are a lot of judicial vacancies. What is important to note here is the fact that all these problems are highly dependent on one another and one problem leads to another. It is high time the state starts taking these problems seriously and deals with them from the grass-root level, beginning from budget allocation and fixing manpower requirements. Not only this, the state should keep a strict eye on how the allocated money is being spent and make provisions on speedy execution of its instructions.

¹⁸ Nishant Sirohi, *India Justice Report 2019: Uttar Pradesh worst in delivery of justice*, THE KOCHI POST (Nov. 12, 2019), <https://kochipost.com/2019/11/12/india-justice-report-2019-uttar-pradesh-worst-in-delivery-of-justice/>.

¹⁹ *Justice delivery system: Reasons for no headway in reforms*, THE ECONOMIC TIMES (Jan. 17, 2020), economictimes.indiatimes.com/articleshow/67566642.cms?from=mdr&utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.

²⁰ *Decoding the NCRB Report*, THE HINDU (Oct. 23, 2019), <https://www.thehindu.com/news/national/decoding-ncrb-report/article29775632.ece>.

²¹ Anindita Sanyal, *Offences Against Women In Delhi Show Decline, UP Tops Crime List: Data*, NDTV NEWS (Oct. 22, 2019), <https://www.ndtv.com/india-news/uttar-pradesh-tops-countrys-crime-list-followed-by-maharashtra-madhya-pradesh-national-crime-records-2121007>.

²² *Supra* note 20.

Conclusion

Law and order are a concern of all Indian states and even though there is a wide variation among Indian states in terms of capacity and efficacy to deliver justice, the India Justice Report, 2019 has brought out that none of them are up to the mark. As a result of such performance of the judiciary, it is the citizens only who suffer; the weakest and most marginalized being the ones who suffer the most. Given the grim state of judiciary, it is only imperative that the Government understands the gravity of the matter and starts working on it before it worsens any further. “We already have highly developed tools built with patient technological expertise under the guidance of the e-Committee of the Supreme Court. What we lack is the will to make an effort to find a long-term solution, instead of searching for quick-fix remedies that are partially effective and transitory.”²³

²³ *Supra* note 19.