The Supreme Court of India: An Empirical Overview

Workshop on access to data from Indian courts
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Data and Motivation

- All Supreme Court judgments 2010 to 2015
  - Over 6000 merits judgments
  - Detailed hand coding of ~60 variables
- Current academic focus understanding of SCI is based on study of high-profile cases, but this does not represent the huge caseload of the SCI
- Debates about future of SCI
  - Docket explosion or exclusion?
  - Abolish 2-judge benches? Set up special benches? Split the court? Add regional branches?

Related Work

- Burgeoning empirical literature on SCI
  - George Gadbois, Nick Robinson
  - Vidhi Center for Legal Policy
- Also, huge grown in the study of other courts and tribunal in India, including work by Daksh and work being presented later today at this conference!

CASE CHARACTERISTICS

Case Characteristics

- Over 40 case categories
  - 29% criminal
  - 5% constitutional
  - 3% PILs
- Mostly appellate jurisdiction
  - 88% appeals and SLPs
  - 12% writ petitions and other original jurisdiction
- Cases from 22 of 24 Indian states

TABLE 15. SUMMARY STATISTICS, BY BENCH SIZE

Bench Size	2	3	5	All
Total Cases	5971	794	91	6856
Share of Total	87.1%	11.6%	1.3%	100.0%
Number with PIL	187	71	4	262
Share with PIL	3.1%	9.0%	4.4%	3.8%
Share of PIL	71.4%	27.1%	1.5%	100%
Number with Const. Challenge	349	65	32	446
Share with Const. Challenge	5.8%	8.2%	36.4%	6.5%
Share of Const. Challenge	78.3%	14.6%	7.2%	100%

TABLE 16. SUMMARY STATISTICS, CASE CATEGORIES, BY BENCH SIZE

Case Category	2	3	5
Appeal/SLP	91.4%	66.4%	56.7%
Writ Petition	5.7%	24.2%	28.9%
Other Original Jurisdiction	2.3%	8.8%	12.2%
Review or Curative	0.6%	0.5%	2.2%
Total	100%	100%	100%

TABLE 4. CASE ORIGINS: HIGH COURT APPEALED FROM

Rank	High Court	Number	Reversal Rate (%)
1	High Court of Punjab & Haryana	646	62
2	High Court of Bombay	607	56
3	High Court of Delhi	530	55
4	High Court of Allahabad	502	54
5	High Court of Madras	368	60
6	High Court of Karnataka	367	61
7	High Court of Andhra Pradesh	301	59
8	High Court of Madhya Pradesh	289	64
9	High Court of Rajasthan	262	62
10	High Court of Calcutta	261	60
11	High Court of Kerala	233	49
12	High Court of Gujarat	198	61
13	High Court of Patna	171	64
14	High Court of Uttarakhand	121	63
15	High Court of Orissa	94	73
16	High Court of Gauhati	91	54
17	High Court of Jharkhand	88	65
18	High Court of Himachal Pradesh	73	56
19	High Court of Chhattisgarh	56	65
20	High Court of Jammu & Kashmir	39	44
21	High Court of Sikkim	8	75
22	High Court of Meghalaya	1	62
23	High Court of Manipur	0	0
24	High Court of Tripura	0	0
	Total	5306	59

PARTY CHARACTERISTICS

Party Characteristics

- 99.8% of parties are Indian nationals
- 87% of individual parties are male
- 62% of civil cases have individual plaintiff
- 54% of civil cases have government defendant
- 46% of appellants/petitioners were plaintiffs below
- Government is appellant about 20% of the time

CASE DURATION

Outcome Characteristics

- Average duration:
  - Criminal cases vs. civil cases: 4.2 vs. 4.3 years
  - Constitutional cases: 4.4 years
  - Cases from tribunals vs. courts: 4.7 vs. 4.2 years
- Among cases with duration data:
  - 4.3 years in Supreme Court
  - 4.9 years in appellate court
  - 4.0 years in court of first instance

CASE OUTCOMES

TABLE 17. SUMMARY STATISTICS, OUTCOME VARIABLES

Variable	Mean	N
Reversed	59.4%	6278
Reversed, Civil Cases	61.4%	4195
Reversed, Criminal Cases	55.3%	2066
Referred to Larger Bench	1.7%	6386
Plaintiff Wins	50.0%	5632
Parties to Bear Own Costs	90.3%	2468

OPINION CHARACTERISTICS

Outcome Characteristics

- Average judgment length is 9 pages

TABLE 25. AUTHORSHIP SUMMARY STATISTICS, BY BENCH SIZE

Bench Size	2	3	5	All
Share with Signed Opinion	74.4%	61.9%	80.7%	73.2%
Share with Concurrence	0.8%	2.7%	5.3%	1.0%
Share with Dissent	0.3%	1.4%	5.3%	0.5%

TABLE 26. OPINION AUTHORSHIP: OPINIONS OF THE COURT

Justice	Opinions of the court	Total Cases	Rate
B.S. Chauhan	236	495	47.7%
P. Sathasivam	227	511	44.4%
G.S. Singhvi	184	494	37.2%
K.S.P. Radhakrishnan	178	450	39.6%
T.S. Thakur	176	403	43.7%
Dipak Misra	167	438	38.1%
Altamas Kabir	160	252	63.5%
R.M. Lodha	151	348	43.4%
R.V. Raveendran	139	295	47.1%
A.K. Patnaik	133	397	33.5%
Swatanter Kumar	112	300	37.3%
S.J. Mukhopadhaya	111	307	36.2%
Ranjan Gogoi	100	253	39.5%
A.K. Ganguly	96	246	39.0%
Aftab Alam	95	299	31.8%
A.K. Sikri	95	239	39.7%
V. Gopala Gowda	95	231	41.1%
Mukundakam Sharma	89	201	44.3%
C.K. Prasad	86	337	25.5%
Anil R. Dave	85	364	23.4%
S.S. Nijjar	83	288	28.8%
Ranjana Prakash Desai	78	204	38.2%
D.K. Jain	75	170	44.1%
M.Y. Eqbal	75	160	46.9%
H.L. Dattu	72	373	19.3%
F.M.I. Kalifulla	68	212	32.1%
H.L. Gokhale	61	244	25.0%
J.S. Khehar	61	176	34.7%
V.S. Sirpurkar	56	98	57.1%
Dalveer Bhandari	53	193	27.5%

TABLE 26. OPINION AUTHORSHIP: OPINIONS OF THE COURT (CONT.)

Justice	Opinions of the court	Total Cases	Rate
Madan B. Lokur	49	187	26.2%
R. Banumathi	47	73	64.4%
Kurian Joseph	45	124	36.3%
Jasti Chelameswar	44	219	20.1%
Vikramajit Sen	43	139	30.9%
S.H. Kapadia	37	225	16.4%
J.M. Panchal	37	110	33.6%
Markandey Katju	36	152	23.7%
Chockalingam Nagappan	36	134	26.9%
P.C. Ghose	36	110	32.7%
H.S. Bedi	35	174	20.1%
Gyan Sudha Misra	34	267	12.7%
B. Sudershan Reddy	31	107	29.0%
Adarsh Kumar Goel	31	64	48.4%
Prafulla C. Pant	28	59	47.5%
Shiva Kirti Singh	27	91	29.7%
N.V. Ramana	26	92	28.3%
Rohinton Fali Nariman	24	69	34.8%
Deepak Verma	23	164	14.0%
U.U. Lalit	20	51	39.2%
Abhay Manohar Sapre	20	50	40.0%
S.A. Bobde	17	122	13.9%
Tarun Chatterjee	11	21	52.4%
K.G. Balakrishnan	10	74	13.5%
Arun Mishra	9	37	24.3%
Amitava Roy	9	22	40.9%
Cyriac Joseph	5	113	4.4%
R.K. Agrawal	2	38	5.3%
5 others	3	7	42.9%
Total	4172	12073	34.6%

TABLE 27. OPINION AUTHORSHIP: CONCURRING OPINIONS

Justice	Concurring Opinions	Total Cases	Rate
Madan B. Lokur	8	187	4.3%
T.S. Thakur	6	403	1.5%
Jasti Chelameswar	5	219	2.3%
K.S.P. Radhakrishnan	4	450	0.9%
Dipak Misra	4	438	0.9%
C.K. Prasad	4	337	1.2%
Altamas Kabir	3	252	1.2%
A.K. Ganguly	3	246	1.2%
Gyan Sudha Misra	3	267	1.1%
A.K. Sikri	2	239	0.8%
G.S. Singhvi	1	494	0.2%
R.M. Lodha	1	348	0.3%
Swatanter Kumar	1	300	0.3%
Aftab Alam	1	299	0.3%
Mukundakam Sharma	1	201	0.5%
Ranjana Prakash Desai	1	204	0.5%
F.M.I. Kalifulla	1	212	0.5%
H.L. Gokhale	1	244	0.4%
J.S. Khehar	1	176	0.6%
R. Banumathi	1	73	1.4%
Kurian Joseph	1	124	0.8%
Vikramajit Sen	1	139	0.7%
S.H. Kapadia	1	225	0.4%
B. Sudershan Reddy	1	107	0.9%
Rohinton Fali Nariman	1	69	1.4%
Cyriac Joseph	1	113	0.9%
37 others	0	5707	0%
Total	58	12073	0.4%

TABLE 28. OPINION AUTHORSHIP: DISSENTING OPINIONS

Justice	Dissenting opinions	Total Cases	Rate
Gyan Sudha Misra	6	267	2.2%
Jasti Chelameswar	4	219	1.8%
V. Gopala Gowda	3	231	1.3%
H.L. Gokhale	2	244	0.8%
R. Banumathi	2	73	2.7%
P. Sathasivam	1	511	0.2%
K.S.P. Radhakrishnan	1	450	0.2%
Altamas Kabir	1	252	0.4%
A.K. Patnaik	1	397	0.3%
Ranjan Gogoi	1	253	0.4%
Aftab Alam	1	299	0.3%
Anil R. Dave	1	364	0.3%
S.S. Nijjar	1	288	0.3%
F.M.I. Kalifulla	1	212	0.5%
V.S. Sirpurkar	1	98	1.0%
Dalveer Bhandari	1	193	0.5%
H.S. Bedi	1	174	0.6%
46 others	0	7548	0%
Total	29	12073	0.2%

THOUGHTS ON INSTITUTIONAL DESIGN

Institutional Design Choices

- Error correction or norm elaboration?
- Life tenure or mandatory retirement?
- Executive appointment or collegium system?
- En banc hearings or smaller benches?
- Original jurisdiction or appellate jurisdiction?
- Mandatory jurisdiction or discretionary jurisdiction?
- Suo moto actions?
- How many judges?
- How many judgments?

Thank you!