Islamophobia in the Justice System and Judicial Mitigation in Bihar, India

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This study examines the processes and outcomes of justice for Muslim litigants over a decade (2009-2019) in Bihar's Patna High Court. We find no evidence of in-group matching between petitioners and judges, but Muslim petitioners are 30 percentage points more likely to be represented by Muslim lawyers. Cases featuring both Muslim petitioners and lawyers are 7 percentage points less likely to be successful relative to all other cases. High Caste Hindu judges appear to eliminate these disparities. We interpret this as an effort to counteract bias against Muslims, who are under-represented as judges and lawyers. Notably, these judicial mitigation efforts diminish following the general election of 2014.

JEL Codes: K10, K40, Z12, Z13

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1 Introduction

Muslims, making up 14.2% of India's population, are the country's second-largest religious community (Census of India 2011).[1] The struggle over their rights has shaped everything from national boundaries (Metcalfe and Metcalfe 2012), to the Indian Constitution (Granville 1999) and the distribution of economic, political, and social opportunities (Bhargava and Srinivasan 2007).

In recent years, the issue of Muslim minority rights has become increasingly contentious. The ruling Hindu nationalist Bharatiya Janata Party (BJP) has accused previous governments of "minority appeasement", claiming that they privileged minorities at the expense of the Hindu majority, which makes up more than 80% of the population.[2] Since coming to power in 2014, the party has governed on an overtly anti-secular platform (Shaban 2018; Bose 2018; Basu 2021; Varshney 2022; Berlinerblau 2021). National policies such as the Citizenship Amendment Act and the National Register of Citizens along with state-level cow-protection laws and prohibitions on inter-faith marriages have left Muslims vulnerable (Mukherji 2020; Chandrachud 2020a; Ranjan and Mittal 2023). In the 2024 election campaign, Prime Minister Modi went to the extent of referring to Muslims as "infiltrators" into India (Pathi 2024).

Anti-Muslim sentiment, or Islamophobia, is apparent in a broad range of development indicators. Muslims are poorly represented in state institutions (Bhargava 2007; Shaban 2018). They receive less education and are less likely to be literate than even marginalized Hindus (Basant, Shariff, et al. 2010). Even when Muslim students possess the same qualifications as Hindus, they are less likely to be interviewed or hired by recruiters (Banerjee et al. 2009; Thorat and Attewell 2007; Deshpande and Newman 2007; Thorat 2010). In Muslims are more likely to be excluded from state poverty alleviation programs than their Hindu counterparts (Krishna and Shariff 2011; Shaban 2018).

While India's judiciary has often been viewed as a bulwark of secularism and minority rights, its track record in protecting minority rights and secular principles is far from consistent (Baxi 2000; Mehta 2007; Sen 2017). It has only selectively brought justice to victims of the episodic religious violence that has occurred in recent decades (Poblete-Cazenave 2023). In events such as the 2002 Gujarat riots, police officers participated in extra-judicial violence towards Muslims with legal impunity (Chatterjee 2017). Since 2014, the judiciary has been unable to protect Muslims from the increasing numbers of hate-crimes (Basu 2021; Prasad et al. 2018) or national media "spectacles" that feature them as anti-national (Jagannathan, Rai, and Jaffrelot 2022; Poblete-Cazenave 2024). Empirical evidence suggests that Muslims

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[1]If considered as a separate nation, this demographic of approximately 175 million individuals would rank as the world's eighth most populous country.

[2]The current website of the BJP states this as follows:

> Unfortunately in India Secularism has been reduced to minority appeasement, that too at the cost of majority.

(BJP Website under "Our Philosophy", https://www.bjp.org/philosophy), Accessed on March 13, 2024.

are over-represented in Indian prisons as well as crime statistics (Ahmad and Siddiqui 2017; Vicziany 2024). Moreover, judges who have personal experience of such communal violence have been shown to be more likely to deny bail for defendants, particularly when they are Muslim (Bharti and Roy 2023).

Much of this discourse centers on high-profile incidents and broad trends, neglecting the quotidian experiences of Muslim citizens as they navigate the formal justice system. This oversight obscures the profound impact that subtle institutional biases in everyday interactions can have on this minority community. There is a notable lack of empirical research on the Indian legal system, particularly outside of the Supreme Court, which handles only a tiny fraction of cases (Gadbois 2011; Galanter and Robinson 2017; Chandra, Kalantry, and Hubbard 2023). For protecting fundamental rights, filing writ petitions, addressing grievances against lower courts, and obtaining timely justice on local issues, citizens are more likely to rely on high courts (Ghosh and Chakrabarti 2021). These courts remain poorly understood.

This paper seeks to remedy this gap. We analyze a large and comprehensive set of legal cases from the Patna High Court (2009-2019) to study the representation of Muslims and their experiences of justice within our sample period. We use machine-learning algorithms to infer the religion and caste of petitioners, advocates and judges and link these names to processes and outcomes. Our approach is comprehensive and quantitative, yielding insights into the complex processes of justice at the level of India's high courts.

We find evidence that Muslims are more likely to be represented (relative to their population share) in certain types of criminal cases related to marriage and personal law. Additionally, while judges appear to be assigned to cases randomly, Muslim litigants are nearly 30 percentage points more likely than Hindus to select advocates from their own religious group to file their cases at the High Court. This "matching" has significant consequences.

Firstly, the random match between Muslim petitioners and judges influences the judicial process and outcomes. A Muslim petitioner gains no advantage by matching with a Muslim judge. In fact, in criminal cases heard by Muslim judges, a Muslim petitioner is 5 percentage points less likely to obtain a successful outcome than their non-Muslim counterparts. Conversely, being matched with a High Caste Hindu judge increases the likelihood of a criminal case being admitted by 6 percentage points and the chances of a successful outcome by 7 percentage points. We interpret this as High Caste Hindu judges seeking to alleviate the disadvantages faced by minorities. However, this pattern has declined since 2014.

Secondly, we find that the observed preference of Muslim petitioners for Muslim advocates does not benefit, and can even harm, their case outcomes. This is evidenced by increased rejections and dismissals, and fewer allowed cases for Muslim petitioner-advocate pairs. This detrimental effect is amplified in cases involving Muslim judges (fewer allowed cases).

These findings align with literature showing that minority leaders often adopt punitive stances

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towards those who are similar to them. In the United States, Forman (2017) finds that African American officials are more likely to "lock up their own", arguing that such leaders fear that the gains of the civil rights movement were being undermined by lawlessness. Chen (2024) finds strong evidence for "implicit egoism" among judges. Egoist judges in New Orleans and Chile assign longer sentences when the defendant's first initial matches their own, with this effect being particularly pronounced among Black judges in New Orleans.

These findings also fit into a broader empirical literature that is uncovering the complex functioning of judicial systems in India as well as other developing countries (Chemin, Kimalu, and Newman-Bachand 2024; Chandra, Kalantry, and Hubbard 2023; Ash et al. 2022; Kang et al. 2020). This work highlights the importance of judicial behavior, demonstrating that even small biases can have significant effects on legal outcomes (Bharti and Roy 2023; Chen, Moskowitz, and Shue 2016; Dobbie, Goldin, and Yang 2018; Berdejo and Chen 2017). We also contribute to the literature on how courts and other state institutions actually serve poor and marginalized citizens in large democracies such as India (Rodrik 2000; Pande 2020; Egorov and Sonin 2024).

The rest of our paper is organized as follows. Section 2 provides an overview of the context, Section 3 describes our data, Section 4 discusses our method of inferring religion from last names, Section 5 examines Muslim representation in criminal cases, Section 6 analyses matching between judicial stakeholders and the final section concludes.

2 Context

Bihar has one of the largest Muslim populations in India.[3] It is also one of India's poorest states; though it recently experienced a growth turnaround, it has one of the highest proportions of citizens under the poverty line (NITI Aayog 2023; Reserve Bank of India 2023).

2.1 Demographics of Hindus and Muslims

Hindus and Muslims together account for the vast majority of the state's populace, constituting 82.6% and 16.8% of the population respectively (Census of India 2011). Within Bihar, Muslims are concentrated in specific districts in the east of the state (Figure A2).

Both Hindus and Muslims are stratified along the lines of caste or *jati*.[4] Presently, Hindu "jatis" in Bihar are officially categorized into government-recognized groups such as "Sched-

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[3]Four states together account for over 60% of India's entire Muslim population: Uttar Pradesh (22.34%), West Bengal (14.31%), Bihar (10.1%) and Maharashtra (7.53%) (Census of India 2011).

[4]We define caste here as *jati*, i.e. hereditarily formed endogamous groups whose identities are manifested in a variety of ways that include (but not restricted to) naming conventions, geographic location, occupation, property ownership, diet, gender norms, social practices, and religious practices (Joshi, Kochhar, and Rao 2022).

uled Castes (SC)", "Other Backward Classes (OBC)", and "Forward Castes" or "General Castes". Muslim castes also exhibit a similar tripartite division: "ashraf" (comparable to forward castes), "ajlaf" (similar to OBCs), and "arzal" (analogous to SCs) though these distinctions are less formalized in state policies (Basant, Shariff, et al. 2010).

Muslims in Bihar seem to have lagged behind Hindus in socioeconomic development. Recent census data, though controversial, indicates they are now significantly poorer than any Hindu group, with lower incomes, land holdings, literacy rates, and access to poverty alleviation programs (Verma 2023). This is consistent with previous empirical studies (Joshi, Kochhar, and Rao 2022.

2.2   The Politics of Hindu Muslim Relations

Hindus and Muslims have coexisted in Bihar for centuries (Metcalf 2014). Tensions between the two groups escalated during British rule, primarily due to the establishment of separate legal systems – a line of separation that exists till today (Metcalfe and Metcalfe 2012).[5]

Yet despite these divisions in this period, Hindus and Muslims collaborated on issues such as the opposition towards the dominance of Bengali language and culture, and the establishment of Bihar as a separate state in 1912 (Metcalfe and Metcalfe 2012). During the Indian freedom movement, many Bihari Muslims rejected the notion of Muslim separatism, choosing instead to support a unified India (Rai 2006; Ahmed 2022).[6]

After Indian independence in 1947, both communities have been influenced by the national effort to construct a constitutional, secular, pluralist democracy. For the first four decades after Indian independence, Muslims as a whole remained broadly aligned with the Indian National Congress (Sajjad 2014). They supported agrarian movements and political reform movements that challenged entrenched feudal power structures and elite interests in the state (Kumar 2018; Jaffrelot 2003; Jaffrelot 2010). In the 1990s, marginalized Muslims began to follow their Hindu counterparts to push for social justice policies such as affirmative action.[7]

Since the turn of the century, the dynamics within the Muslim community have been signif-

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[5]In India, matters of personal law – matters of marriage, divorce, inheritance, and family relations – are determined based on a citizen's religion (Metcalfe and Metcalfe 2012; Shaban 2018). Hindu Personal Law governs Hindus, Sikhs, Jains, and Buddhists and includes the Hindu Marriage Act, Hindu Succession Act, and Hindu Minority and Guardianship Act (Menski 2008). Muslim Personal Law is based on Sharia and includes the Muslim Personal Law (Shariat) Application Act and Dissolution of Muslim Marriages Act (Shaban 2018). There are additional laws, such as the Special Marriage Act, which govern personal law for people outside these religions (such as Christians and Zoroastrians).

[6]For example, the Momin Ansaris, or weavers, established the Momin Conference, which opposed the Muslim League, it's politics of separatism and the decision to create Pakistan and merged into the Congress after Independence (Rai 2006).

[7]In the early 1990s, the "Pasmanda" movement emerged to champion the rights of Ajlaf and Arzal Muslims, who make up around 70% of the Muslim population and face marginalization without constitutional entitlements to affirmative action programs compared to Hindus (Sajjad 2014). These movements significantly impacted the political landscape of the state (Jaffrelot and Kumar 2012).

icantly influenced by the ascent of Hindutva (Hindu nationalist) politics. The 2014 national election stands as an important turning point. Polarizing narratives from the BJP led by Narendra Modi have left Muslims marginalized (Shaban 2018). As noted in the introduction of this paper, violence and hate-crimes against Muslims have increased (Basu 2021). Since 2014, Muslims have often pursued "survival strategies" such as support to non-BJP parties. Pan-Indian Muslim parties such as the All India Majlis-e-Ittehad-ul-Muslimeen (AIMIM) have emerged and even won elections (Ahmed 2022).

2.3   The Patna High Court

The Patna High Court is the highest judicial authority within the state of Bihar.[8] It has jurisdiction over both civil and criminal matters within the state. Though one of its core functions is to hear appeals from district courts within their jurisdiction, it also has original jurisdiction on some matters such as constitutional issues, disputes between states, and cases of significant public interest.[9]

Access to justice has been an issue for much of the court's 100 year history.[10] During the colonial era, the court's legitimacy was undermined by the top-down imposition of laws by the British, who had limited understandings of the customary practices in the area (Metcalfe and Metcalfe 2012).

After India's independence, Bihar's judiciary has been at the helm of national controversies over land reform (Sinha 2019) and citizen fundamental rights (Baxi 2000). Between 1950 and 1989, the Patna High Court accounted for some of the most prominent and influential justices who served at the Supreme Court of India (Gadbois 2011). Judges from the Patna High Court have had a strong representation in India's Supreme Court (Chandrachud 2020b).

An ironical aspect of the Patna High Court, which perhaps applies to all of India, is that even as the court continues to play a critical role in the governance of the country, it suffers from growing backlog and is widely believed to be influenced by state politics (Mehta 2007). Political battles, often involving complex allegations of corruption and criminality, frequently end up in the Patna High Court, straining its political neutrality (Chakrabarti 2013; Kumar 2012; Roy 1997; Ananth 2013). These challenges were particularly evident during our study period, especially after the BJP's victory in 2014. During this time, two state elections were

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[8]India's judicial system has three tiers with the Supreme Court at the apex, High Courts (at the state-level) at the second tier, and District Courts at the lowest tier.

[9]The Patna High Court also has a supervisory role over district and sessions courts in its jurisdiction, which means that it can issue directives, guidelines, and orders to ensure the proper administration of justice in the state. it also has writ jurisdiction, i.e. the power to issue writs such as habeas corpus, mandamus, certiorari, prohibition, and quo warranto, or other legal remedies to protect citizen fundamental rights.

[10]It was first established by the British in 1912 and began hearing cases in 1916, with a Chief Justice and six other judges. The sanctioned strength of the court has expanded several times over the years. There are currently 22 permanent Judges, including the Chief Justice and 14 additional judges, while the sanctioned strength was a total of 53 judges in 2019.

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held in Bihar (in November 2010 and November 2015).[11]

3   Data

We scraped publicly available case data from the Patna High Court in the summer of 2020.[12] This effort resulted in a set of 1,073,109 cases spanning the years 2009–2019. Of these cases, only 246,446 appear to have been successfully filed and 224,435 cases appear to have been fully recorded in the e-Courts system.[13,14] For this sample, we have complete information on the type of case (civil or criminal), filing date, and decision dates (if a given case has been decided), the actual decision, as well as the names of the presiding judge, plaintiff, and filing advocate (Table 1).

Notably, we also see that the government itself is a major contributor to this litigation volume. In the final sample of cases assigned to judges and heard in courts, the government is a litigant in 78% of cases (76.1% as a respondent and 2.3% as a petitioner).[15] This estimate is comparable to Chandra, Kalantry, and Hubbard (2023), who find that the government is a litigant in approximately 73% of all admitted matters at the Supreme Court of India.[16] Recent research has speculated that this may be due to the weak incentives for dispute resolution within India's large public bureaucracies and the ease of access of the bureaucracy to the justice system (Sneha et al. 2021).

For the analysis in this paper, we focus exclusively on petitioners and exclude all cases featuring the government in this role. We note however, that additional empirical analysis of these state-filed cases is a fascinating and important topic of future research.

Our analysis also incorporates the biographical characteristics (mainly caste, religion, age and education) of judges who have served at the Patna High Court. Since there is no publicly accessible database of judges for the courts of India, we curate this information from two

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[11]The November 2020 election falls outside our sample period.

[12]The Patna High Court has published cases online since 2010 as part of a broader national effort to digitize legal information in India.

[13]The e-Courts database offers citizens the opportunity to track their cases and retrieve key information such as hearing dates, judgments, and orders, through a user-friendly interface.

[14]That only 25% of cases that are initially filed with the court actually appear in the e-courts system aligns well with previous observations of the poor quality of many of the cases that are first filed at the courts (Saxena and Saroj 2022; Chandra, Kalantry, and Hubbard 2023). The training manual for the e-courts data system employs the acronym FORA (FORA = Filing $\longrightarrow$ Objections $\longrightarrow$ Registration $\longrightarrow$ Allocation) to describe the stages between filing and judge allocation, noting that erroneous paperwork results in significant attrition along this pipeline and only cases at the last stage are allocated to judges and thus officially maintained in the e-courts system (https://districts.ecourts.gov.in/sites/default/files/Case%20Management.pdf).

[15]Of our 1,073,109 cases file at the court, the government features as either a petitioner or a respondent in 94.6% of cases.

[16]The Government of India does seem aware of this issue. In an important admission in 2010, India's ministry of law and justice issued a new *National Litigation Policy* and explicitly recognized that the "government is the predominant litigant in courts and tribunals across the country" (as cited in Rangarajan 2024).

official sources: (a) the Judges-Handbooks that have been released by the Supreme Court of India in 2014 and 2018; (b) the websites of the Patna High Court. We note a total of 84 judges who have served at the Patna High Court in our sample period.

4 Analysis of Names for Markers of Religion

Since our data lacks official markers of religion for litigants, lawyers, and judges, we infer the religion of individuals mentioned in the court records by analyzing last names using a machine-learning algorithm specifically tailored to the state of Bihar.[17]

To do this, we create a comprehensive list of Hindu and Muslim names common in Bihar by extracting litigant names from cases filed under the Muslim Women (Protection of Rights on Divorce) Act, 1986, and the Hindu Marriage Act, 1955, at the Patna High Court. This approach ensures a diverse and representative sample of names for both genders from these religious communities, as only individuals from the respective backgrounds can initiate cases under these acts.

This database of names functions as training data for a machine learning algorithm designed to predict whether a given name is Hindu, Muslim or "Other".[18] The algorithm extracts groups of 1–4 characters (including white spaces) from the names, stores this in the form of "feature vectors" and measures the co-occurrence of alphabets. Since the training data contains information on religion, the algorithm is able to note the distinctive features of Muslim and Hindu names. For example, for Muslim names (relative to Hindu names), it notes features such as the higher incidence of the alphabets 'z' and 'q', or the higher frequency of the co-occurrence of "mm" or "ee". After analyzing the training data, the algorithm is deployed to make predictions on new, out-of-sample court data.[19] This method allows us to predict even religion-neutral names such as *Shah* and *Malik*, which are used by both Hindus and Muslims in Bihar.

We use similar methods to draw inferences about caste. For this, we focus only on Hindu names and rely heavily on self-reported caste status to assign castes to individuals observed in the judicial data.[20]

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[17]In a recent paper, Ash et al. (2022) employ a similar algorithm on a national scale. However, given our focus on a single state, and the fact that names can be uniquely specific to regions in India, we believe a custom algorithm tailored for Bihar is more appropriate for this analysis.

[18]Unfortunately, the number of litigants who hail from Christian, Buddhist or other religious groups in our sample is too small to make appropriate matches. All those who are neither Hindu nor Muslim are included in the "Other" category.

[19]To make the final prediction out-of-sample, we used a variety of methods to evaluate various classifiers, including decision trees, random forests, logistic regression, linear SVM and character RNNs. We found that the simple linear SVM and logistic regression classifiers performed the best on the various metrics, producing an accuracy of around 91%. For this, and their simplicity, we relied on logistic regression to make the out-of-sample prediction on the basis of the feature vectors.

[20]Our surveys lack self-reported caste information from Muslims, precluding any inference of caste from

To further validate the predictions of religion and caste that emerge from this method, we also conduct a qualitative survey. We interviewed a dozen elderly women in the city of Patna who had spent their entire lives in the state and had extensive knowledge of social structures in the state. The goal was to check what associations, if any, were made between specific last names and markers of caste and religion. We presented survey respondents, who were all grandparents who had successfully contracted caste-based arranged marriages within the past 10 years, with a list of names, followed by a series of questions about the caste, or religious background associated with the name. We found that the Muslim names in our sample were universally acknowledged as such, alongside upper-caste names like Bhumihar Brahmins (who have names such as Ojha, Pande or Upadhyaya). The findings on caste were more complex - we discuss these results in a separate paper.

For the rest of this paper, we assign to each name in our sample of litigants, advocates and lawyers the religion or caste identity that is predicted by our algorithm. Throughout the paper, we use terms such as "Muslim petitioner" or "petitioners with Muslim names" interchangeably and mean "petitioners whose names are predicted to be Muslim on the basis of our algorithm". We construct similar terms for judges.

5 Muslim Representation in Criminal Cases

The first step of our analysis is to examine Muslim representation in cases. In our final sample of 204,169 cases filed at the Patna High Court, 20,040 cases (9.8%) featured a Muslim petitioner, though these estimates show considerable regional variation across the districts of Bihar. The distribution of these filings across districts in presented in Appendix Table A2. We also note that Muslims are also more likely to be seen in criminal cases (11.9% of petitioners) compared to civil cases. At the level of judges and advocates however, we see a different pattern. Only 5% of advocates and 9% of judges at the Patna High Court are Muslim (Table 1).

This evidence resonates with the claim that Muslims are over-represented in the Indian criminal justice system (Ahmad and Siddiqui 2017). To investigate this further, we adopt the methodology of Ash et al. (2022), who compare the share of Muslims in specific types of cases to their share in the overall population. We estimate these ratios using our data as well as the actual data from Ash et al. (2022) filtered to focus on Bihar.[21] For both sets of calculations, we rely on the population share of Muslims that are reported in the last census of 2011.

Muslim names. However, it's important to note, as highlighted in Section 2, that the Indian government has predominantly recognized caste among Hindus, with most affirmative action and poverty alleviation programs based on caste exclusively accessible to the Hindu population. While Muslims are by no means a monolithic group, they are grouped together in official political, economic and institutional contexts and thus we group them together in this analysis.

[21] We obtained this data from https://github.com/devdatalab/paper-justice. We subset the data for the state of Bihar and run the code for the table that replicates Table 1.

Results are presented in Table 2 and Figure 1. Column 1 of Table 2 shows that in the analysis by Ash et al. (2022), Muslims are over-represented by 3% in the set of all criminal charges but the extent of over-representation varies by the type of charge. As noted by these authors, "relative to their population share, Muslims are 36% more likely to be charged with crimes against women, 37% more likely to be charged with robbery, and 62% more likely to be charged with marriage offenses, but 5% less likely to face charges for murder" (Ash et al. 2022, page 15-16).

We observe similar estimates in our data. In district courts (columns 3 and 4), we see that Muslims are under-represented by 2% as defendants in criminal charges but are accurately represented as petitioners. This overall balance, however, conceals significant disparities across different types of offenses. Specifically, Muslims are over-represented in cases of sexual assault (16%), crimes against women (30%), marriage-related offenses (48%), and trespassing (17%). Conversely, they are under-represented by 12% as defendants in murder cases and by 11% in cases involving bodily harm. Furthermore, in criminal cases heard at the Patna High Court, Muslims are markedly under-represented by 30% as petitioners and over-represented by 14% as defendants. This is a notable result in its own right. Additional research into the attributes of the cases brought by Muslims (relative to Hindus) from the lower to the upper court would be an interesting question for additional research that is beyond the scope of the current paper.

Figure 1 presents the trends in these estimates over the sample period; we note that the underrepresentation of Muslims as petitioners in the High Court persists throughout the sample period. The representation of Muslims as defendants, however, fluctuates, but the sample of defendants is much smaller (due to the large number of cases excluded because they feature the Government as the defendant).

Overall, this analysis indicates that while Muslims are typically underrepresented in serious charges such as murder, which are more objective in nature, they appear to be over-represented in lawsuits involving personal matters. This evidence aligns with prior studies highlighting significant disadvantages faced by Muslims within the Indian legal system (Ahmad and Siddiqui 2017; Ash et al. 2022; Shaban 2018). The disproportionate presence of Muslims as litigants, coupled with their under-representation as petitioners, judges and lawyers, provides a critical backdrop for the subsequent analysis in this paper.

6   Matching Between Litigants, Judges and Lawyers

To understand who Muslims work with at the courts, we must delve into the pipeline of justice for any litigant who files a case at the Patna High Court. Initially, a petitioner brings a case against a respondent, each represented by their respective advocates. The advocate who initiates the case is known as the filing lawyer. Subsequently, the Chief Justice assigns the case to a judge. Following this assignment, additional lawyers may be engaged to present arguments in court. These arguing lawyers are typically chosen for their courtroom skills and

their history of successful advocacy before judges (Galanter and Robinson 2017).

The legal system provides petitioners and advocates with the freedom to choose their own lawyers, but judges are assigned through the "roster system" by the Chief Justice of the court. This system aims to ensure impartiality and prevent nepotism by prohibiting judges from presiding over cases involving parties with whom they have familial or social connections. Lists identifying such conflicts of interest are regularly updated. Previous studies suggest that this stringent system produces random judge assignment in Indian courts; there is no evidence of bias based on observable judge attributes (Ash et al. 2022; Chandra, Kalantry, and Hubbard 2023).

With this background, we turn to matching. We restrict our attention to petitioners and we include only those cases where the case is initiated by an individual (or a firm). On this sample, we examine three types of "matches": (a) Between judges and petitioners; (b) between judges and petitioners' advocates; and (c) between petitioners and their advocates. For matches between petitioners and judges, we use the following model:

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\begin{aligned}
Petitioner\ Muslim_{icyd} =& \beta_0 + \beta_1 Judge\ Muslim_i + \beta_2 Judge\ High\ Caste_i+ \\
& + \Theta X_i + \gamma_c + \alpha_y + \nu_d + \epsilon_{icyd}
\end{aligned}
\tag{1}
$$

Here, for case i of type c, filed in year y and district d, $Petitioner\ Muslim_{icyd}$ takes value 1 if the petitioner has a Muslim name and 0 otherwise. $Judge\ Identity$ is a vector of judge identities. $Judge\ Muslim_i$ and $Judge\ High\ Caste_i$ are two, mutually exclusive, dummy variables with value 1 if the judge's name signals the relevant identity and 0 otherwise.[22] X_c is a vector of control variables pertinent to the case, such as the age of the judge, a dummy variable for whether the judge pursued their career in the supreme court and the number of years the judge has a permanent position in the district. γ_c, α_y and ν_d correspond to case-type, year, and district fixed-effects respectively.

We estimate Equation 1 to study the patterns of matching between petitioners and judges. In light of the background provided earlier, we hypothesize that there should be no affinity between judges and petitioners on any type of identity. Specifically, there should be no observed tendency for a Muslim petitioner to be heard by a Muslim judge, or on the other hand, even a High Caste Hindu judge. We therefore expect the coefficients β_1 and β_2 to be zero.

The point estimates of these coefficients are presented as blue dots in Figure 2. We note that none of the two coefficients is statistically significantly different from zero. In other words, there is no evidence that petitioners with Muslim names are assigned Muslim or High Caste judges in the Patna High Court.

Next, we examine matching between advocates and judges. We focus on filing lawyers, i.e.

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[22]As noted in Sections 2 and 4 caste is practiced by all religious groups in Bihar as well as much of India but we group Hindus and Muslims in accordance with the official policies of the Government of India despite the lack of alignment between the lived experiences of these groups and the official state categories.

lawyers who are selected by the petitioner prior to even knowing the identity of the judge assigned to the case. Here too we hypothesize that there should be no affinity between judges and lawyers based on any type of identity though we caveat this with the possibility that some lawyers may indeed be hired for their reputation, networks of influence or specialized services which may give them some leverage to skirt the restrictions of the roster system (Galanter and Robinson 2017).

For this part of the analysis, we adapt Equation 1 and replace the left-hand side variable by $Advocate\ Muslim_{icyd}$, a dummy variable equal to one if the petitioner's advocate is Muslim. The relevant coefficients for this regression are presented as red squares in Figure 2. There is no statistically significant effect of petitioners advocates matching with High Caste Hindu judges. We do note a small but statistically significant coefficient for *Judge Muslim*. This suggests that petitioner's advocates with Muslim names appear to be about 0.6 percentage points more likely to match with a Muslim judge, and the effect is statistically significant at the 5% level (p=0.032). This modest effect does not necessarily suggest a lack of randomness in judge assignment. Muslim advocates and judges may both possess specialized knowledge in Muslim personal law, making it more likely that they match with each other (Sajjad 2014; Lemons 2018). Though investigation is needed however, to fully interpret this coefficient, we emphasize here that at below 1%, the effect size is negligible.

Finally, we examine the matching between petitioners and the lawyers who represent them. Here the official rules provide considerable freedom of choice. In some cases, such as bail applications (which are an increasing fraction of cases at the Patna High Court), a petitioner seeking justice in the courts of India is permitted to file a case in the lower court as well as the high court, and to transfer a dismissed case between the two courts. In the event that the case needs to move between these institutions, a file must be transferred over. Given the enormous complexity of the courts, the backlog of cases, and the hierarchical structure of the courts in India, reliance on an advocate from a single community confers considerable advantages. Lawyers in close touch with their client can ensure that the file is transferred to the right person at the right time. This leads us to hypothesize that the religion of the advocates representing petitioners or respondents should show strong association with the identities of the petitioners.

Here, we adapt Equation 1 by replacing the two variables capturing the judge's identity by two dummy variables equal to one if the petitioner's advocate is Muslim and High Caste Hindu respectively. The associated coefficients for this regression are presented as green diamonds in Figure 2. We observe considerable matching. The coefficient for *Advocate Muslim* suggests that petitioners with Muslim names are about 30 percentage points more likely to match with an advocate with a Muslim name. We also note that petitioners with Muslim names do not appear to be more likely to match with advocates with High Caste Hindu names. In results not shown here, we find that the tendency for in-group matching is not shown by other Hindu groups, such as scheduled castes.[23]

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[23]These results are available upon request.

What mechanisms could explain why petitioners (or respondents) with Muslim names to be more likely to match with lawyers from their own community in court proceedings? Existing literature provides several plausible explanations. The simplest explanation is that Muslim lawyers may have a more specialized understanding of Muslim civil law, which has long been distinct from those followed by Hindus in matters of marriage, inheritance and family matters (Metcalf 2014; Sajjad 2014). Future research could examine the relationship between case types and lawyer selection patterns in the legal system.

It is also important to note that religion has been shown to be an important form of social capital that reduces both search costs and transactions costs in these settings (Iyer 2018). Evidence from other contexts, such as the United States, suggests that a strong relationship between petitioners and advocates can bolster the client's confidence in the legal process. Lawyers belonging to the same community may possess a deeper understanding of cultural nuances and social contexts pertinent to the case, thereby improving communication and representation effectiveness (Ryo 2018). Shared community ties can also cultivate trust and rapport, essential elements in legal representation (Young and Hassan 2020).[24]

Put simply, Muslim litigants may favor in-group matches because it's easier to find trustworthy lawyers from their own community and hold them accountable for their performance. This is crucial given the challenges marginalized citizens face in accessing the Indian justice system (Krishnan et al. 2014).

An important insight that emerges from this analysis is that even though advocate selection is not random, judge assignment appears to be as good as random. This is consistent with a growing body of research on the courts of India (Ash et al. 2022; Chandra, Kalantry, and Hubbard 2023).

7 Impact of Matching on Outcomes

Next we examine the outcomes of the justice system. Here we rely on the official language of the courts themselves to label the stages of a case.[25] When the case is first filed at the high court, it is marked as "Admitted" (the paperwork is in order and the case is deemed suitable for processing at the high court and listed to the court for hearing/decision) or "Rejected" (the application is not in the jurisdiction of the court - territorial or in content - or the paperwork has defects of non-curable nature). Cases that are not admitted or rejected may be directed elsewhere in the system, like transferred to another court. If a case is admitted, it can be heard by the high court and when the bench takes a (whatever kind of) decision the case is

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[24]In the US, this trust may hinge on the perceived competence of the decision-maker (Young and Hassan 2020. Disadvantaged defendants may actively resist court-appointed lawyers due to inherent mistrust of a lawyer who does not come from their own social group (Clair 2021).

[25]These are official terms in the eCourts system that are applied by the e-filing administrator at the time of the review of the paperwork in the case (see https://ecourts.gov.in/ecourts_home/static/manuals/efiling-User-manual.pdf)

said to be "Disposed". A disposal can be of different natures: the case can be "Allowed" (accepted) or "Dismissed" by the bench or "Withdrawn" by the petitioner.[26] Figure A3 gives an overview over these different stages and potential outcomes of a case.

We use a simple model to analyze the impact of social identity on case outcomes:

$$
\begin{aligned}
z_{icyd} =& \beta_0 + \beta_1 \mathbb{1}\{Petitioner\ Muslim \times Judge\ Identity\} + \\
& \beta_2 \mathbb{1}\{Advocate\ Muslim \times Judge\ Identity\} + \\
& \beta_3 \mathbb{1}\{Petitioner\ Muslim \times Advocate\ Muslim \times Judge\ Identity\} + \\
& \beta_4 \mathbb{1}\{Petitioner\ Muslim \times Advocate\ Muslim\} + \\
& \beta_5 \mathbb{1}\{Petitioner\ Muslim\} + \beta_6 \mathbb{1}\{Advocate\ Muslim\} + \beta_7 \mathbb{1}\{Judge\ Identity\} + \\
& \gamma_c + \alpha_y + \nu_d + \epsilon_{icyd}
\end{aligned}
$$

(2)

Here z_{icyd} denotes the outcome of case i of type c in year y, and district d. We consider two groups of outcomes: Case Status (Admitted, Rejected and Disposed) as well as Case Outcomes (Allowed, Dismissed and Withdrawn). For each outcome, we run two separate regressions where we change $Judge\ Identity$. First, we run a regression where $Judge\ Identity$ is a dummy variable, taking the value 1 whenever the judge on the case is Muslim and 0 otherwise. Then we run a second regression where $Judge\ Identity$ takes the value one when the judge is classified as high caste Hindu. $Petitioner\ Muslim$ and $Advocate\ Muslim$ are dummy variables taking the value 1 whenever the Petitioner and Advocate respectively are classified as Muslim. The main coefficients of interests are β_1, β_2 and β_3, for both Muslim and High Caste judges regressions. γ_c, α_y and ν_d measure case-type, year and district fixed effects respectively. Standard errors are clustered at the district level. We restrict our sample only to first orders of any case and exclude any case where the government is a petitioner.

One challenge in estimating Equation 2 is that some cases (30.51%) in our sample are still pending, and resolved cases (69.49%) may not be a random draw from the population. They may differ from pending cases along unobserved attributes. To address this, we use a standard Heckman selection framework. This instrumental variable strategy uses an adaptation of the recently used judge leniency instruments that have been seen in a series of papers (Dobbie, Goldin, and Yang 2018).

Our instrument is the leave-out resolution rate of a judge. This involves constructing a judge-specific measure of the resolution rate of cases handled by a judge, excluding the case currently being considered. This measure leverages the propensity of some judges to resolve cases more frequently, irrespective of case characteristics. This allows us to estimate the impact of judge characteristics on case resolution outcomes. Appendix Tables A1–A6 present the results from the first stage (the selection equation) and the second stage (the outcome equation). We find that the instrument is a strong predictor of resolution at the case

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[26]Theoretically, the decision to withdraw can be made by the petitioner at any time, even at the administrative stage before being admitted.

level—judges with higher resolution rates tend to resolve cases more frequently, regardless of the specifics of the case.

Figures 3 and 4 display the key coefficients of interest derived from estimating Equation 2 for case status and results, respectively. Full results for each of the regressions is presented in the Appendix in Tables A1–A4. In Figures 3 and 4, each row of graphs presents the estimates of β_1, β_2 and β_3 for both regressions with Muslim judges (left panels) and High Caste judges (right panels). We present coefficients for the Heckman selection regressions conducted on the full sample (blue circles) as well as the sub-sample of criminal cases (red squares). Comparisons with OLS estimates for a subsample of these outcomes is presented in Appendix Figure A4.

7.1 Case Status Analysis

7.1.1 Muslim Judges

For all cases (Figure 3, blue circles), homophily between Muslim judges and Muslim petitioners or advocates generally shows no statistically significant impacts on case admission (top-left panel), rejection (middle-left panel), or disposal (bottom-left panel). One small effect is observed in criminal cases: Muslim advocates matching with Muslim judges result in a 3.7 percentage points higher chance of case disposal (bottom-left panel, red square). Overall, in-group matching with Muslim judges does not confer significant advantages to Muslim petitioners.

7.1.2 High Caste Hindu Judges

The analysis changes significantly with High Caste Hindu judges (Figure 3, right panels). Muslim petitioners in criminal cases matched with High Caste Hindu judges are 6.1 percentage points more likely to have their cases admitted (top-right panel) and 6.2 percentage points more likely to have their cases disposed (bottom-right panel), both significant at the 1% level. Additionally, a combination of a Muslim petitioner and Muslim advocate with a High Caste Hindu judge reduces the likelihood of case rejection by 3.9 percentage points (middle-right panel), significant at the 1% level. High Caste Hindu judges seem to provide significant positive impacts for Muslim petitioners in criminal cases, suggesting an effort to safeguard their interests.

We also observe a decrease in admitted cases and disposals of 1.7 percentage points whenever a Muslim advocate is matched with a high caste Hindu judge. However, there is no significant overall effect for Muslim petitioners choosing a Muslim advocate and being matched with either Muslim or High Caste Hindu judges (Appendix Table A3).

In Appendix Figure A4, we compare IV with OLS estimates with the full sample as well as the sample of closed cases. We note similar coefficients and confidence intervals to our IV regressions, confirming robustness.

In summary, matching with High Caste Hindu judges results in significant positive impacts on case status for Muslim petitioners in criminal cases, whereas matching with Muslim judges does not yield similar benefits.

7.2   Case Outcome Analysis

7.2.1   Muslim Judges

Matching between Muslim petitioners and Muslim judges shows a 4.7 percentage point lower likelihood of a criminal case being allowed (Figure 4, top-left panel). If the case is filed by a Muslim advocate, this matching is associated with a 4.6 percentage point decrease in the probability of any case being allowed.

For cases heard by Muslim judges, when a Muslim petitioner chooses a Muslim advocate, there is a total effect of a 5.8 and 10.0 percentage point decrease in the probability of a case being allowed for all cases and criminal cases, respectively (Appendix Table A2).

As before, comparisons with OLS estimates (Appendix Figure A5) show similar coefficients and confidence intervals to our IV regressions, confirming robustness.

7.2.2   High Caste Hindu Judges

In contrast to matching among Muslim judges, matching with High Caste Hindu judges reverses these effects for Muslim petitioners. Here we see a 2.3 (all cases) to 7.2 (criminal cases) percentage point increase in the likelihood of a successful outcome (Figure 4, top-right panel). This reversal is striking and suggests that High Caste Hindu judges significantly improve the success rates for Muslim petitioners.

Furthermore, for cases heard by Muslim judges, where the Muslim petitioner chooses a Muslim advocate, there is no significant overall effect of this choice of lawyer (Appendix Table A4).

7.3   Dismissals and Withdrawals

For all cases, matching between Muslim petitioners and Muslim (High Caste Hindu) judges reduces the likelihood of case dismissal by 3.1 (2.5) percentage points (Figure 4, middle graph). For cases heard by High Caste Hindu judges, this positive matching effect is offset when the case is filed by a Muslim advocate. In this scenario, matching with High Caste Hindu judges results in a 7.8 percentage point increase in case dismissals.

We also note that for criminal cases, matching Muslim petitioners with High Caste Hindu judges decreases the likelihood of case withdrawal by 4.0 percentage points (Figure 4, bottom-right panel).

7.4 Dynamic Effects

To examine the relationship between matching and outcomes over time, we interact the key explanatory variables with the filing years. Dynamic impacts for the six outcomes of interest are presented in Figures 5 and A6. The trends indicate evolving experiences for Muslim petitioners in the courts, with a peak in positive outcomes around 2014-2015, followed by an erosion coinciding with the rise in Hindu nationalism and the erosion of secular norms in India's institutions.

8 Discussion

Our analysis indicates that on average, Muslim petitioners benefit significantly from matching with High Caste Hindu judges, especially in criminal cases. This positive impact is not observed with Muslim judges. Furthermore, choosing a Muslim advocate appears to be a disadvantageous strategy for Muslim petitioners.

The finding that High Caste Hindu judges mitigate systemic disadvantages faced by Muslim petitioners and seek to implement India's constitutional protections for Muslims aligns with some existing literature of the judiciary's role in upholding India's constitution (Mehta 2007; Chandrachud 2020b). We emphasize that this should not be construed as "minority appeasement" or even pandering to the minority – the pipeline of justice until the point of these judgements is hardly favorable to Muslims (Ahmad and Siddiqui 2017; Jagannathan, Rai, and Jaffrelot 2022; Basu 2021; Prasad et al. 2018; Poblete-Cazenave 2023).

Our findings align with recent literature that has noted that even though judge assignment is random and judges do not significantly discriminate on the basis of caste, religion and gender (Ash et al. 2022; Bharti and Roy 2023), there may still be differences in judicial outcomes across these groups. As noted earlier, Ash et al. (2022) report that Muslims are over-represented in certain types of crimes in district courts. Similarly, Bharti and Roy (2023) for example, point out that riot-exposed Hindu judges handling cases with Muslim (Hindu) defendants are 20% (14%) more likely to deny bail and implement pre-trial detention. Our work suggests that a deeper analysis of the workings of courts is needed to foster a more equitable judicial process.

The finding of in-group matching by Muslim petitioners being disadvantageous also fits with new literature on the challenges faced by minorities in law enforcement in polarized societies. As noted in the introduction, evidence from the United States suggests that African American officials are more likely to "lock up their own" (Forman 2017). Moreover, egoist judges who encounter defendants similar to themselves impose harsher penalties (Chen 2024).

Recent advances in psychology attribute these behaviors to psychological scarring (Scanlon 2018) – judges who are operating in a system that perceives them as inferior may internalize these beliefs and treat others in their group. Alternately, judges exposure to communal violence may shape their attitudes towards ruling on cases (Bharti and Roy 2023). Minority

judges may also insist on distancing themselves from any perceived partiality, reinforcing their commitment to objectivity, or punish those who besmirch on their self-identity (Ono and Zilis 2023; Knepper 2018). Deeper research into the drivers of these behaviors in the courts of India are important areas for future research.

Finally, we emphasize that the associations we report between religion-based matching and case outcomes were quite fluid and show some change over our sample period. Efforts shown by High Caste Hindu judges to mitigate outcomes for Muslim petitioners peak around 2013-2014 and decline thereafter. This trend coincides with the rise in Hindu nationalism during this period and the erosion of secular norms in India's institutions (Bhargava and Srinivasan 2007; Bhargava 2007; Bose 2018; Mukherji 2020; Varshney 2022).

9   Conclusion

We examine markers of religion that are encoded into the names of petitioners, lawyers and judges in a large dataset of cases filed and heard at the Patna High Court between 2009 and 2019. We find that petitioners with Muslim names are nearly 30 percentage points more likely to work with lawyers with Muslim names in legal proceedings, but they are not more likely to be assigned to judges with Muslim names.

While matching between petitioners and judges appears to be random, the types of pairings do seem to leave a mark on case outcomes. For petitioners with Muslim names, being matched with Muslim judges confers some disadvantages in case processing and outcomes. Matching with a judge with a High Caste Hindu name, however, overrides disadvantages and raise the likelihood of a successful decision. This mitigation however, takes place in a broader context of low Muslim representation in the courts and also erodes over the sample period. We also find that choosing a Muslim lawyer to file the case in the Patna High Court seem to be a potentially harmful strategy for Muslim petitioners.

Overall, this research comes as a reminder that courts are social spaces that are deeply embedded in society. Muslims, an increasingly marginalized group, experience the justice system differently than their Hindu counterparts. They rely heavily on advocates from their own community for representation and benefit from being paired with higher status Hindu judges. Mitigation however, appears to have declined after 2014. Given courts' crucial role in India's post-colonial development and their high public trust, addressing these disparities warrants immediate and concerted attention.

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Tables and Figures

Table 1: Summary Statistics

Case Data	N	Mean	SD	Min	Max
Petitioner or Respondent is Government?	224,435	0.78	0.41	0.0	1.0
Petitioner is Government?	224,435	0.02	0.15	0.0	1.0

Cases without Government Petitioners	N	Mean	SD	Min	Max
Criminal Case	204,169	0.32	0.47	0.0	1.0
Petitioner Muslim	204,169	0.10	0.30	0.0	1.0
Advocate Muslim	204,169	0.05	0.22	0.0	1.0
Judge Muslim	204,169	0.09	0.29	0.0	1.0
Judge High Caste	204,169	0.32	0.47	0.0	1.0
Petitioner Muslim X Judge Muslim	204,169	0.01	0.10	0.0	1.0
Advocate Muslim X Judge Muslim	204,169	0.01	0.07	0.0	1.0
Advocate Muslim X Judge High Caste	204,169	0.01	0.12	0.0	1.0
Petitioner Muslim X Advocate Muslim X Judge Muslim	204,169	0.00	0.05	0.0	1.0
Petitioner Muslim X Advocate Muslim X Judge High Caste	204,169	0.01	0.09	0.0	1.0
Pending	204,169	0.31	0.46	0.0	1.0
Decided	204,169	0.69	0.46	0.0	1.0
Admitted	204,169	0.57	0.49	0.0	1.0
Rejected	204,169	0.01	0.07	0.0	1.0
Dismissed	204,169	0.19	0.39	0.0	1.0
Allowed	204,169	0.09	0.29	0.0	1.0
Withdrawn	204,169	0.06	0.24	0.0	1.0

Criminal Cases	N	Mean	SD	Min	Max
Petitioner Muslim	65,381	0.12	0.32	0.0	1.0
Advocate Muslim	65,381	0.06	0.24	0.0	1.0
Judge Muslim	65,381	0.09	0.29	0.0	1.0
Judge High Caste	65,381	0.14	0.35	0.0	1.0
Petitioner Muslim X Judge Muslim	65,381	0.01	0.11	0.0	1.0
Advocate Muslim X Judge Muslim	65,381	0.01	0.09	0.0	1.0
Advocate Muslim X Judge High Caste	65,381	0.01	0.09	0.0	1.0
Petitioner Muslim X Advocate Muslim X Judge Muslim	65,381	0.00	0.06	0.0	1.0
Petitioner Muslim X Advocate Muslim X Judge High Caste	65,381	0.01	0.07	0.0	1.0
Pending	65,381	0.43	0.49	0.0	1.0
Decided	65,381	0.57	0.49	0.0	1.0
Admitted	65,381	0.51	0.50	0.0	1.0
Rejected	65,381	0.01	0.10	0.0	1.0
Dismissed	65,381	0.18	0.38	0.0	1.0
Allowed	65,381	0.12	0.32	0.0	1.0
Withdrawn	65,381	0.08	0.27	0.0	1.0

Table 2: Muslim Representation in Criminal Cases across Case Types

| | Ash et al. (2024) Classifier | | Bihar Classifier | | | |
| | District Courts | | | | Patna High Court | |
	(1) India - Def	(2) Bihar - Def	(3) Bihar - Def	(4) Bihar - Pet	(5) Def	(6) Pet
Murder	.95	.807	.877	.978	.	.
Sexual assault	1.15	1.1	1.16	1.27	.	.
Violent crimes causing hurt	.994	.824	.887	1.02	.	.
Violent theft/dacoity	1.37	.93	1.07	.944	.	.
Crimes against women	1.36	1.23	1.3	1.47	.	.
Disturbing public health/safety	1.15	.703	.763	.883	.	.
Property crime	1.17	.929	1.05	.98	.	.
Trespassing	1.01	1.1	1.17	1.18	.	.
Marriage offenses	1.62	1.43	1.48	1.65	.	.
Petty theft	1.27	.957	1.12	1.02	.	.
All other crimes	.96	.885	.959	.957	.	.
Total	1.03	.893	.977	.998	1.14	.697
Number of Observations	18,279,972	1,513,658	1,318,901	1,330,928	1,643	59,844

Notes: This table presents the ratio of the share of Muslim respondents (Def) and petitioners (Pet) in criminal cases to the overall Muslim population share. Columns 1 and 2 are based on the data from Ash et al. (2022). Columns 3 to 6 use our religion classifier calibrated on Bihar data. Column 1 presents the ratio for district courts for all India, columns 2 to 4 for district courts in Bihar, and columns 5 and 6 for the Patna High court.
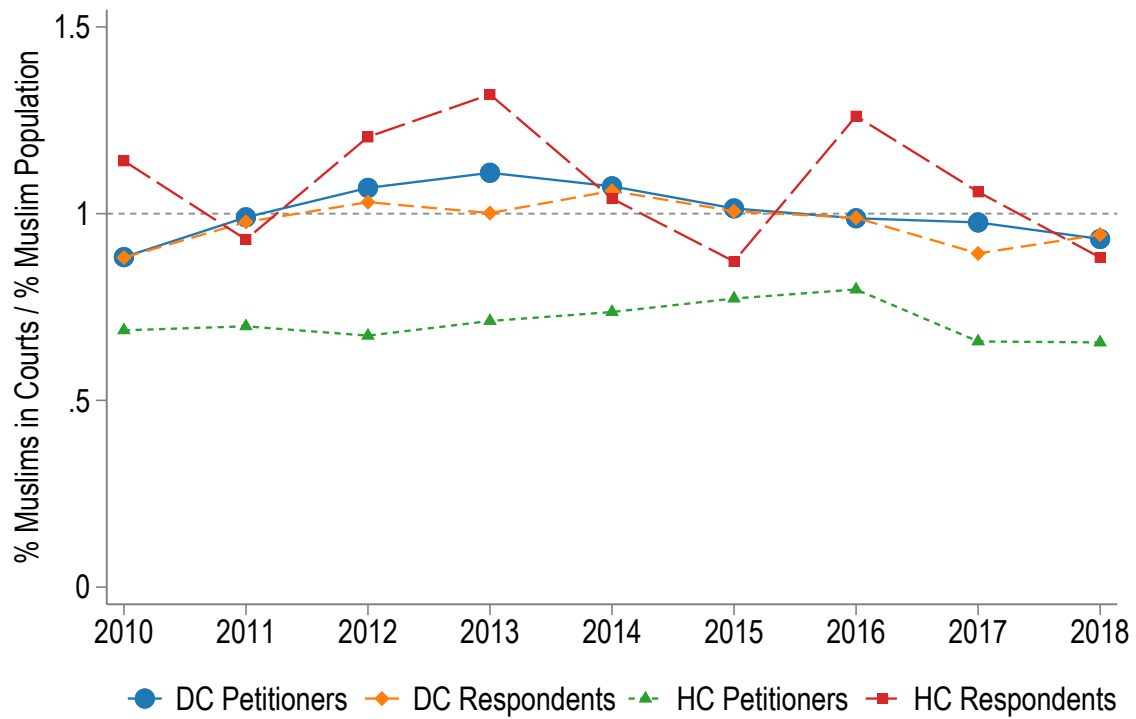
Figure 1: Muslim Representation in Bihar District Courts and Patna High Courts over Time

Notes: This figure displays the evolution over time of the relative shares of Muslim petitioners and respondents in criminal cases in Bihar's district courts and the Patna High Court compared to the state's overall Muslim population. The denominator is the Muslim share in the population of Bihar in 2011.
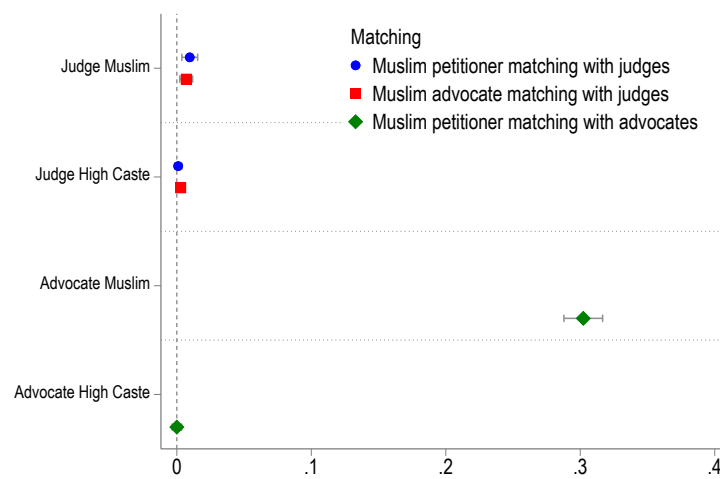
Figure 2: Litigant and Judge Matching

Notes: (i) Sample includes only judges from the first observable order of a case; (ii) All regressions control for the age of the judge, if the judge pursued their career in the supreme court, the number of years the judge had a permanent position in the Patna High Court, and year, case type and district fixed effects; (iii) Standard errors are clustered at the district-year level; (iv) Confidence intervals correspond to 5% statistical significance.
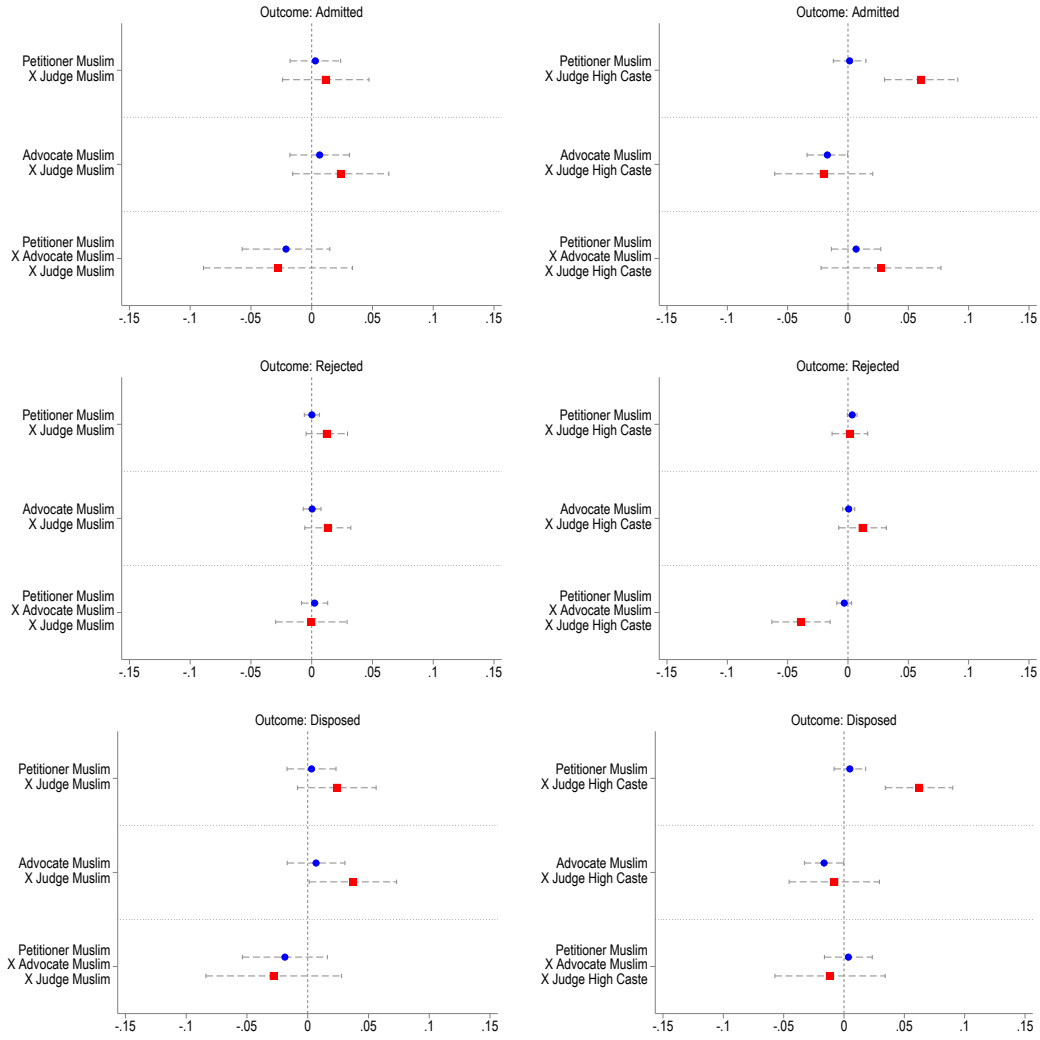
Figure 3: Case Status: Admitted (top panel), Rejected (midde panel) and Disposed (bottom panel).

Notes: (i) Blue circles are coefficients from regressions that include all cases; Red squares are coefficients from regressions with only criminal cases; (ii) The left panel presents regression results for matches among Muslims. The right panel showcases matches between Muslims and High Caste Hindu participants; (iii) The first step of the two-step Heckman selection model is estimated on the basis of upto three judges on each case panel; (iv) All regressions control for district, year and the type of case fixed-effects; (v) Standard errors are clustered at district and year level; (vi) Confidence intervals correspond to 5% statistical significance.
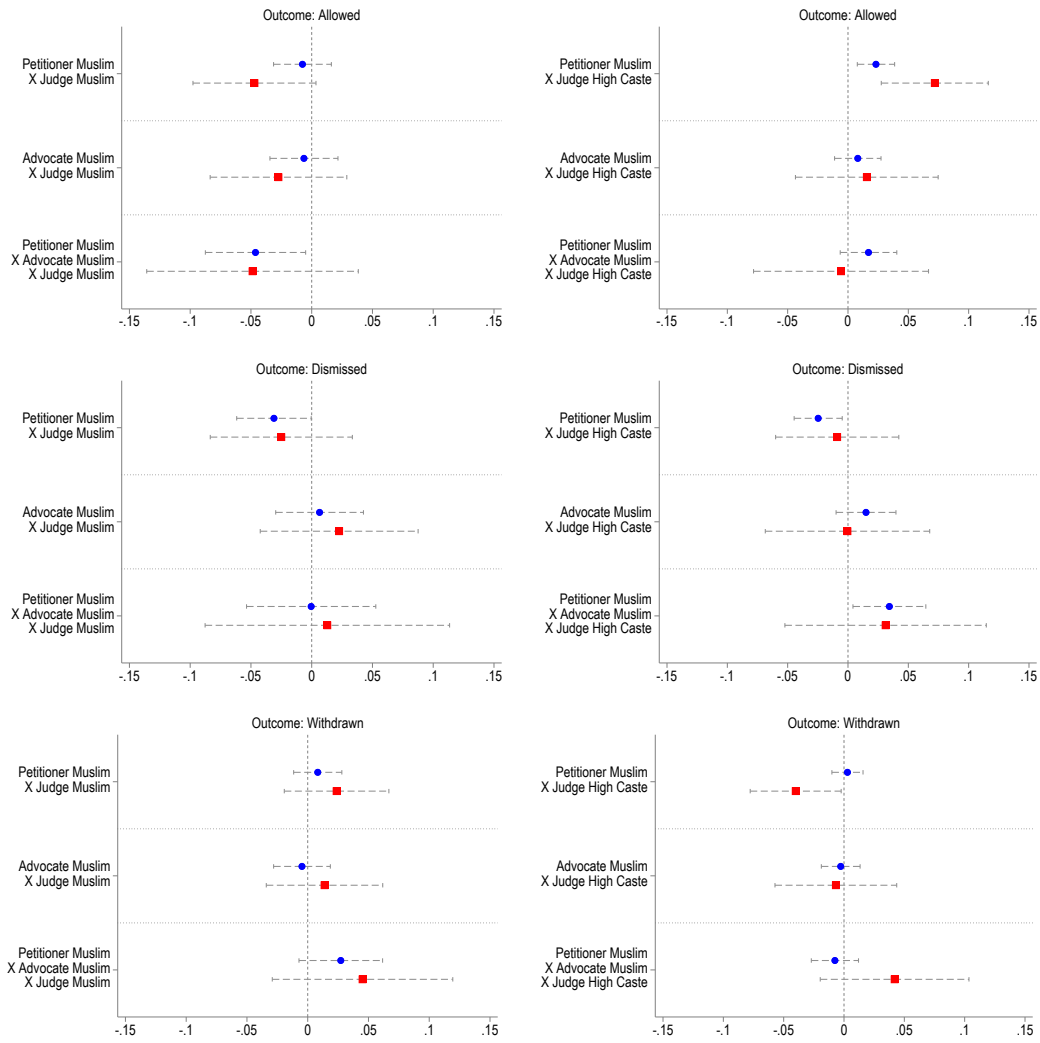
Figure 4: Case Outcomes: Allowed (top panel), Dismissed (middle panel) and Withdrawn (bottom panel)

Notes from Figure 3 apply.
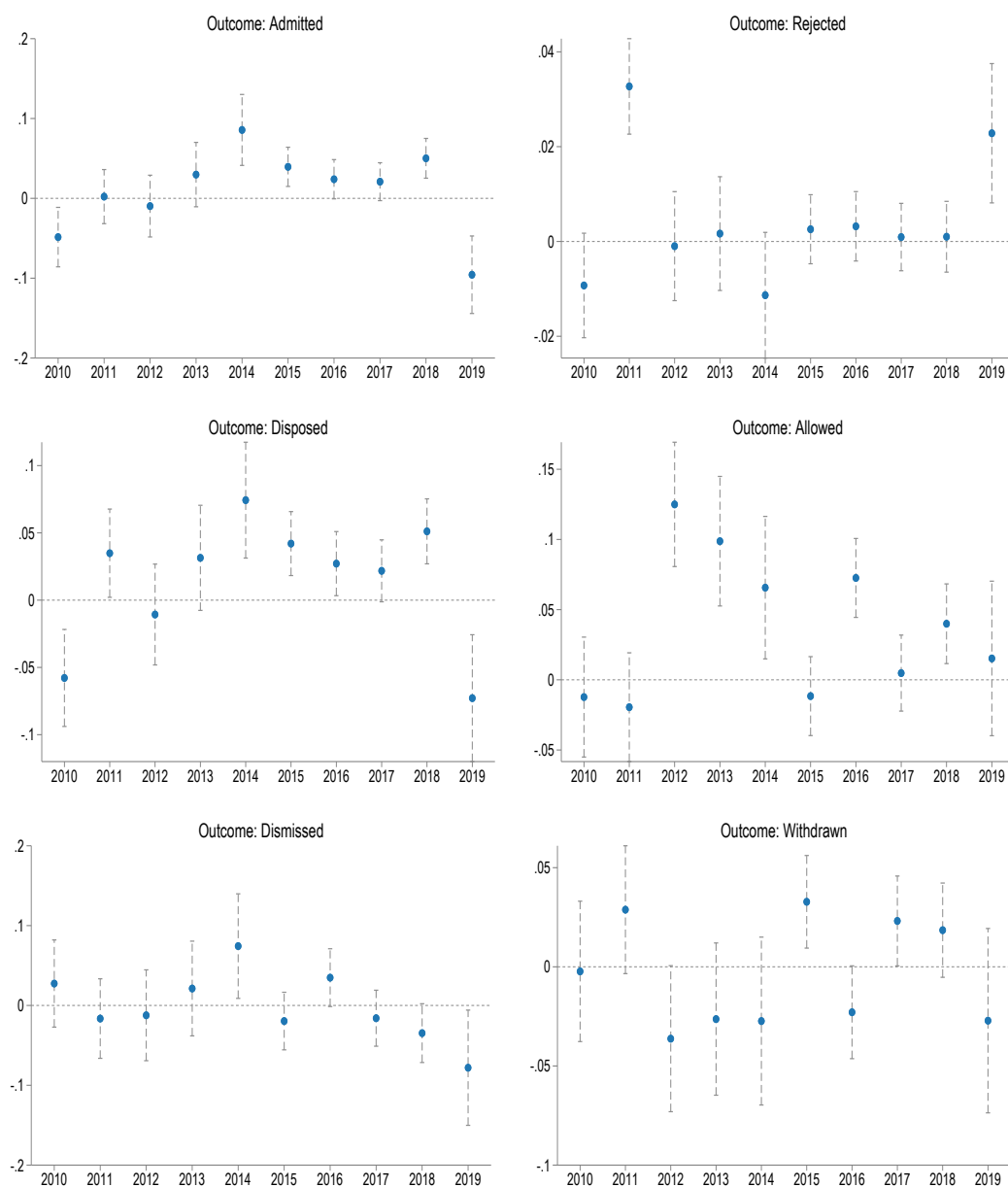
Figure 5: Dynamic Effects, All Cases

Notes: (i) Blue circles are coefficients from regressions that include all cases; (ii) The first step of the two-step Heckman selection model is estimated on the basis of up to three judges on each case panel; (vi) All regressions control for district, year and the type of case fixed-effects; (vii) Standard errors are clustered at district and year level; (viii) Confidence intervals correspond to 5% statistical significance.

Appendix Tables and Figures

(A) Number of Filings per Year and Category
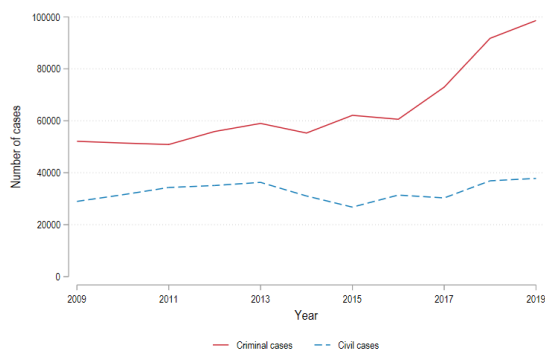
(B) Share of Filings per Category
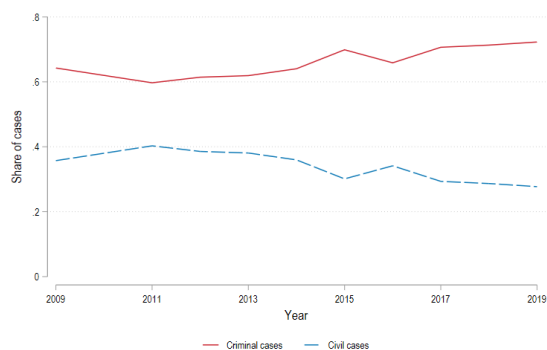
Figure A1: Time Trends of Criminal and Civil Cases Filed at the Patna High Court, 2009-2019

Note: The figure depicts time trends of the number (Panel A) and share (Panel B) of civil and criminal cases filed per year in the Patna High Court between 2009 and 2019. Calculations are based on the full sample of 1,071,068 cases filed in this time period.

(A) Muslim Population of Bihar
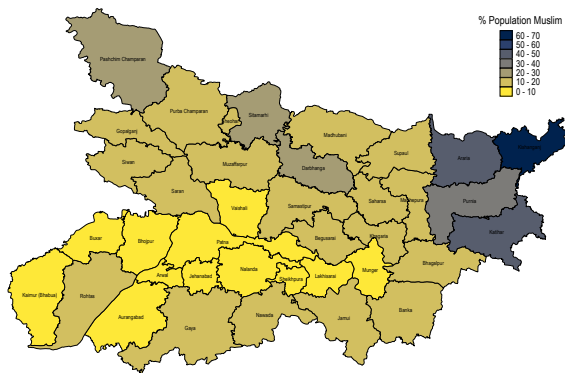
(B) Muslim Petitioners
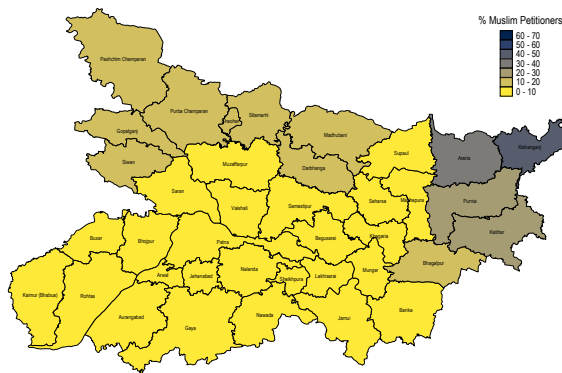
Figure A2: Spatial Distribution of Bihar's Muslim Population Share and Muslim Representation in Cases filed at the Patna High Court, 2009-2019

Note: Panel (A) displays the share of Muslim population in Bihar per district in 2011. Panel (B) displays the share of Muslim petitioners per district in cases filed in the Patna High Court between 2009 and 2019.

Other (Transferred, ...) • (?)

Case Filed

Rejected • (Petitioner does not win)

Admitted

Pending • (?)

Disposed

Dismissed • (Petitioner does not win)

Allowed • (Petitioner wins)

Withdrawn • (Petitioner does not win)
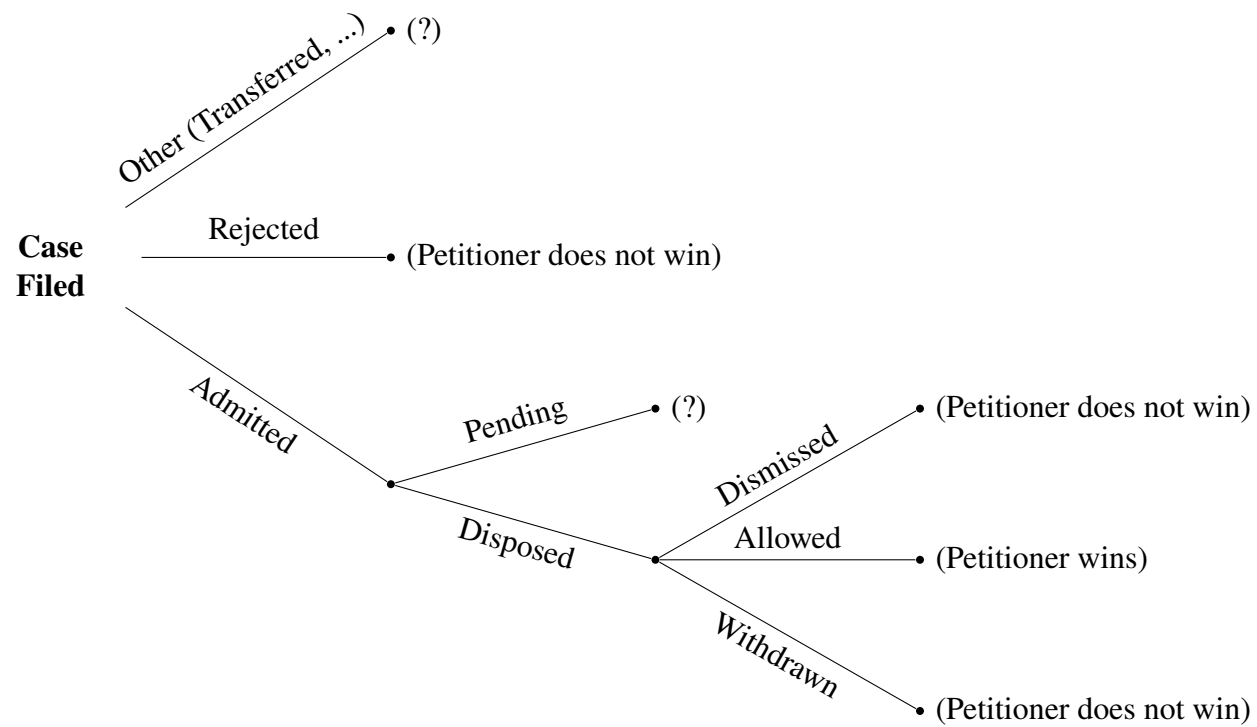
Figure A3: Decision Tree for Cases Filed at the Patna High Court
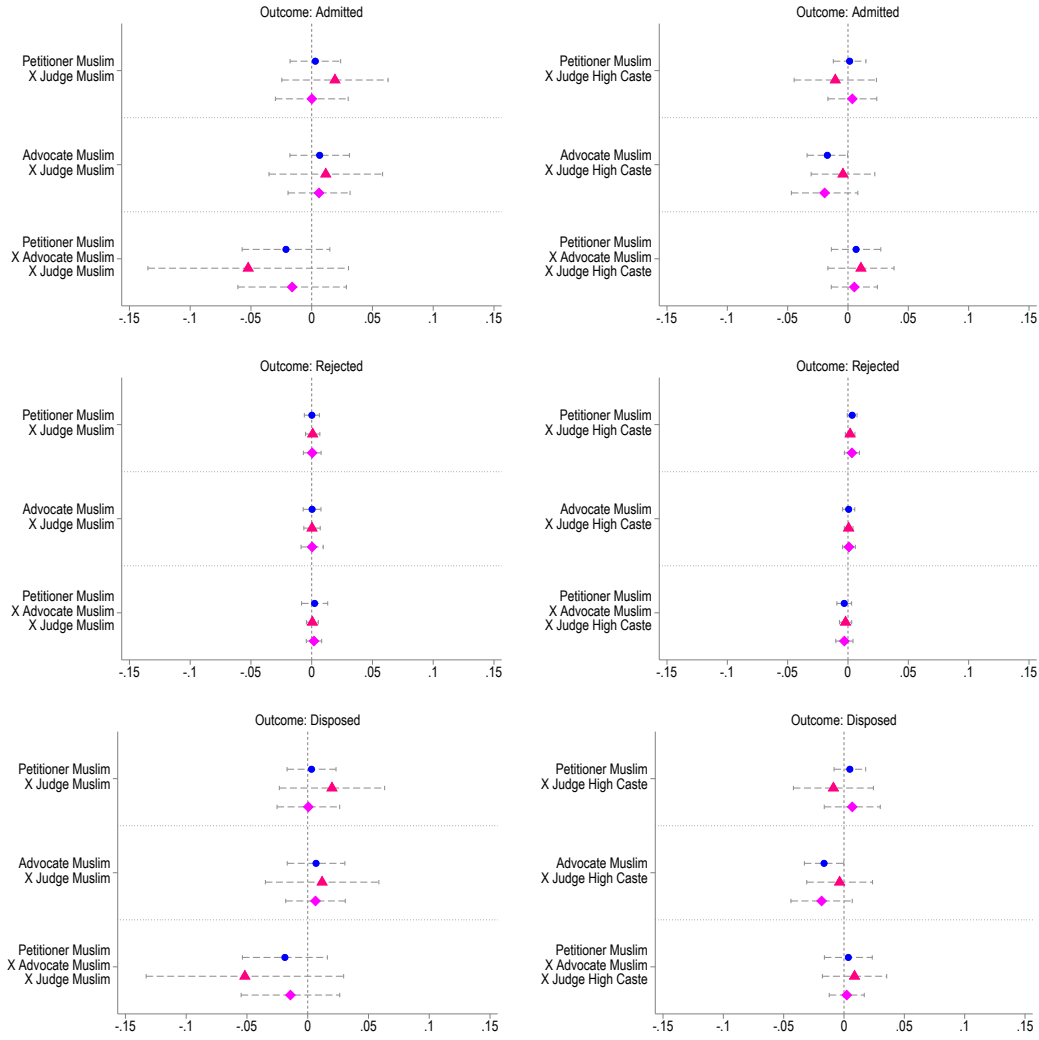
Figure A4: Comparison of OLS and IV estimates for three measures of case status: Admitted (top panel), Rejected (middle panel) and Disposed (bottom panel).

Notes: (i) Blue circles are coefficients from Heckman regressions; Pink triangles are coefficients from OLS regressions; purple diamonds are coefficients from OLS regressions on decided cases only; (ii) The left panel presents regression results for matches among Muslims. The right panel showcases matches between Muslims and High Caste Hindu participants; (iii) Regressions featuring judges are based on the first observed order for a specific court case; (iv) Definition of judge identity is based on any judge on the bench with that identity; (v) The first step of the two-step Heckman selection model is estimated on the basis of upto three judges on each case panel; (vi) All regressions control for district, year and the type of case fixed-effects; (vii) Standard errors are clustered at district and year level; (viii) Confidence intervals correspond to 5% statistical significance.
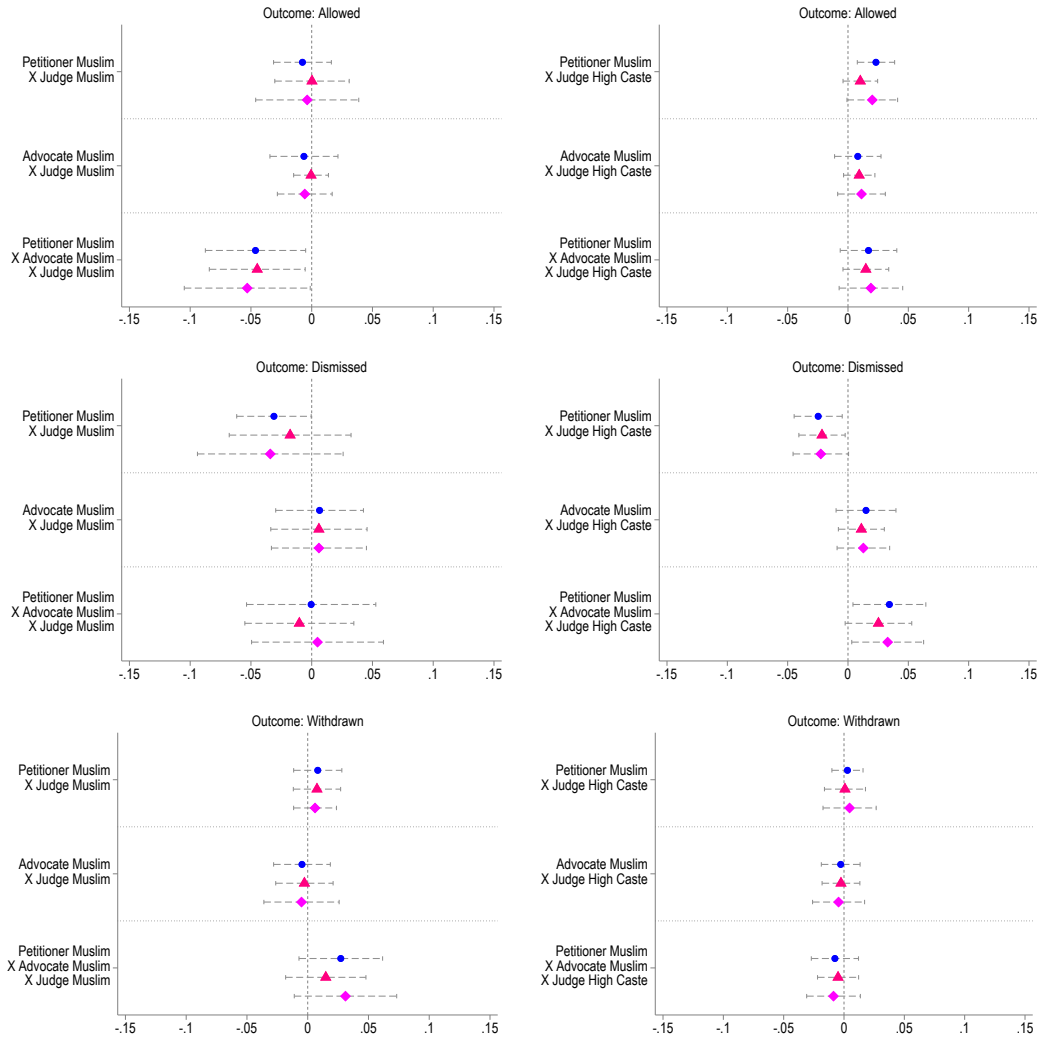
Figure A5: Comparison of OLS and IV estimates for three measures of case outcomes: Allowed (top panel), Dismissed (middle panel) and Withdrawn (bottom panel).

Notes from Figure A4 apply.
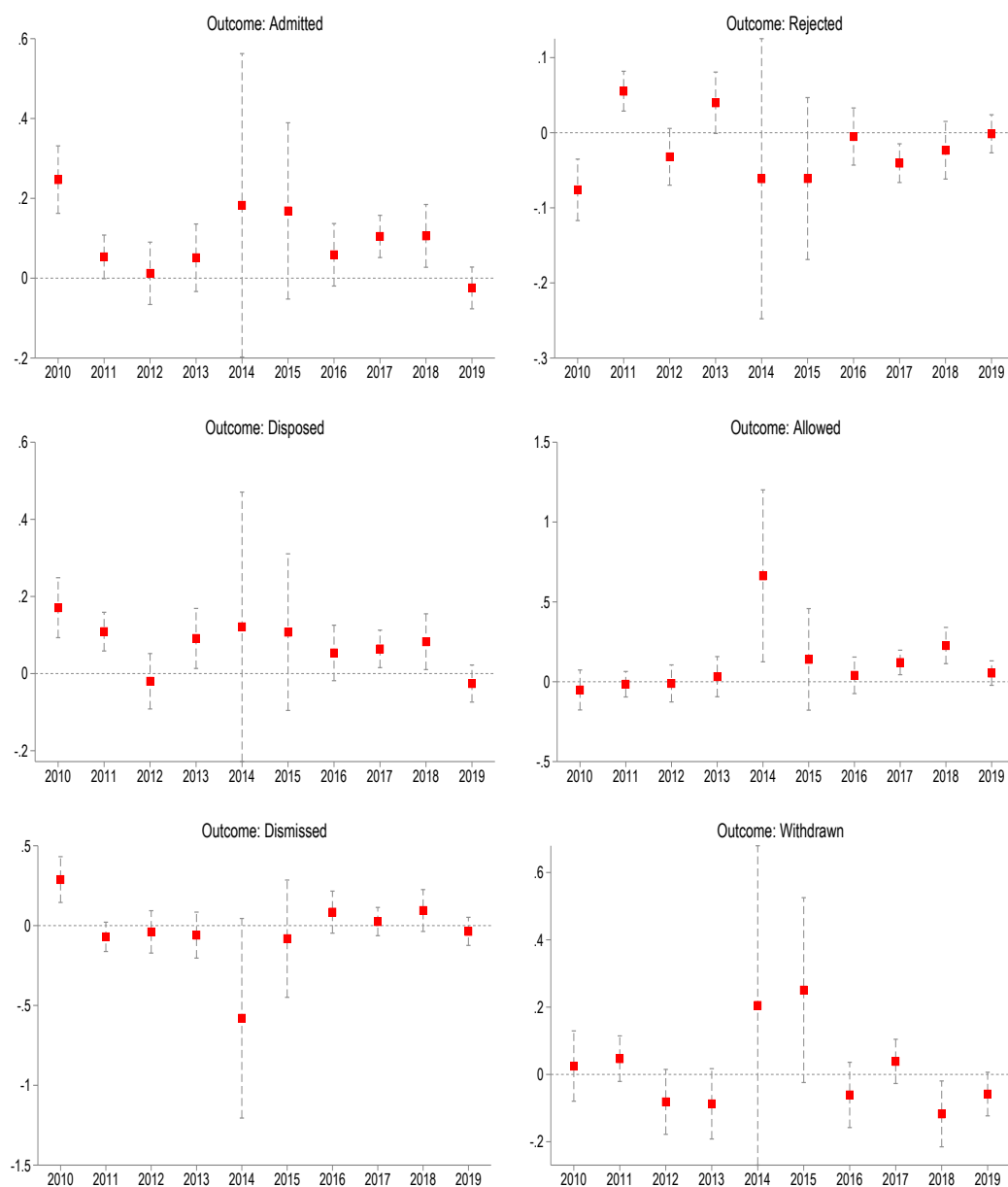
Figure A6: Dynamic Effects, Criminal Cases

Notes: (i) Blue circles are coefficients from regressions that include all cases; (ii) The first step of the two-step Heckman selection model is estimated on the basis of up to three judges on each case panel; (vi) All regressions control for district, year and the type of case fixed-effects; (vii) Standard errors are clustered at district and year level; (viii) Confidence intervals correspond to 5% statistical significance.

Table A1: Muslim Petitioners and Advocates matching with Muslim Judges: Full Results, Case Status

	Admitted		Rejected		Disposed	
	(1) All	(2) Criminal	(3) All	(4) Criminal	(5) All	(6) Criminal
main						
Petitioner Muslim X Advocate Muslim X Judge Muslim	-0.021	-0.028	0.002	-0.000	-0.019	-0.028
	(0.018)	(0.031)	(0.005)	(0.015)	(0.018)	(0.028)
Advocate Muslim X Petitioner Muslim	-0.003	0.002	0.004*	0.012*	0.001	0.015
	(0.008)	(0.013)	(0.002)	(0.006)	(0.008)	(0.012)
Advocate Muslim X Judge Muslim	0.007	0.024	0.000	0.013	0.007	0.037**
	(0.012)	(0.020)	(0.004)	(0.010)	(0.012)	(0.018)
Petitioner Muslim X Judge Muslim	0.003	0.012	0.000	0.012	0.003	0.024
	(0.011)	(0.018)	(0.003)	(0.009)	(0.010)	(0.017)
Advocate Muslim	-0.000	-0.004	-0.002	-0.005	-0.002	-0.009
	(0.005)	(0.009)	(0.002)	(0.004)	(0.005)	(0.008)
Petitioner Muslim	0.007**	0.007	-0.000	-0.004*	0.007**	0.002
	(0.003)	(0.005)	(0.001)	(0.003)	(0.003)	(0.005)
Judge Muslim	0.018***	0.004	0.001	-0.006**	0.019***	-0.001
	(0.003)	(0.006)	(0.001)	(0.003)	(0.003)	(0.005)
Decided						
Judges' Leave-out Resolution Rate	6.672***	5.091***	6.672***	5.091***	6.672***	5.091***
	(0.057)	(0.066)	(0.057)	(0.066)	(0.057)	(0.066)
Petitioner Muslim X Advocate Muslim X Judge Muslim	-0.095	-0.186*	-0.095	-0.186*	-0.095	-0.186*
	(0.073)	(0.106)	(0.073)	(0.106)	(0.073)	(0.106)
Advocate Muslim X Petitioner Muslim	0.113***	0.201***	0.113***	0.201***	0.113***	0.201***
	(0.031)	(0.047)	(0.031)	(0.047)	(0.031)	(0.047)
Advocate Muslim X Judge Muslim	0.005	0.137**	0.005	0.137**	0.005	0.137**
	(0.049)	(0.069)	(0.049)	(0.069)	(0.049)	(0.069)
Petitioner Muslim X Judge Muslim	0.043	0.078	0.043	0.078	0.043	0.078
	(0.043)	(0.065)	(0.043)	(0.065)	(0.043)	(0.065)
Advocate Muslim	-0.110***	-0.212***	-0.110***	-0.212***	-0.110***	-0.212***
	(0.019)	(0.029)	(0.019)	(0.029)	(0.019)	(0.029)
Petitioner Muslim	0.021*	0.063***	0.021*	0.063***	0.021*	0.063***
	(0.012)	(0.019)	(0.012)	(0.019)	(0.012)	(0.019)
Judge Muslim	0.063***	-0.151***	0.063***	-0.151***	0.063***	-0.151***
	(0.012)	(0.020)	(0.012)	(0.020)	(0.012)	(0.020)
Advocate Muslim Overall Effect	-0.018	-0.005	0.005	0.020	-0.013	0.015
Advocate Muslim Overall p-value	0.462	0.897	0.502	0.312	0.580	0.696
District FE	✓	✓	✓	✓	✓	✓
Year FE	✓	✓	✓	✓	✓	✓
Case Type FE	✓		✓		✓	
N	204,169	65,381	204,169	65,381	204,169	65,381

Notes: (i) Regressions featuring judges are based on the first observed order for a specific court case; (ii) Definition of judge identity is based on any judge on the bench with that identity; (iii) The first step of the two-step Heckman selection model is estimated on the basis of upto three judges on each case panel; (iv) All regressions control for district, year and the type of case fixed-effects; (v) Standard errors are clustered at district and year level; (vi) Confidence intervals correspond to 5% statistical significance.

Table A2: Muslim Petitioners and Advocates matching with Muslim Judges: Full Results, Case Outcomes

	Allowed		Dismissed		Withdrawn	
	(1) All	(2) Criminal	(3) All	(4) Criminal	(5) All	(6) Criminal
main						
Petitioner Muslim X Advocate Muslim X Judge Muslim	-0.046**	-0.049	-0.000	0.013	0.027	0.045
	(0.021)	(0.044)	(0.027)	(0.051)	(0.018)	(0.038)
Advocate Muslim X Petitioner Muslim	-0.027***	-0.074***	0.022*	0.067***	-0.000	-0.004
	(0.009)	(0.019)	(0.012)	(0.022)	(0.008)	(0.016)
Advocate Muslim X Judge Muslim	-0.006	-0.027	0.006	0.023	-0.005	0.014
	(0.014)	(0.029)	(0.018)	(0.033)	(0.012)	(0.024)
Petitioner Muslim X Judge Muslim	-0.008	-0.047*	-0.031**	-0.025	0.008	0.024
	(0.012)	(0.026)	(0.016)	(0.030)	(0.010)	(0.022)
Advocate Muslim	0.021***	0.050***	0.006	-0.021	-0.010**	-0.011
	(0.006)	(0.012)	(0.008)	(0.014)	(0.005)	(0.011)
Petitioner Muslim	0.003	-0.013*	0.019***	0.034***	0.007**	0.004
	(0.004)	(0.008)	(0.005)	(0.009)	(0.003)	(0.006)
Judge Muslim	-0.027***	0.034***	0.006	-0.046***	0.009***	-0.032***
	(0.003)	(0.008)	(0.004)	(0.010)	(0.003)	(0.007)
Decided						
Judges' Leave-out Resolution Rate	6.672***	5.091***	6.672***	5.091***	6.672***	5.091***
	(0.057)	(0.066)	(0.057)	(0.066)	(0.057)	(0.066)
Petitioner Muslim X Advocate Muslim X Judge Muslim	-0.095	-0.186*	-0.095	-0.186*	-0.095	-0.186*
	(0.073)	(0.106)	(0.073)	(0.106)	(0.073)	(0.106)
Advocate Muslim X Petitioner Muslim	0.113***	0.201***	0.113***	0.201***	0.113***	0.201***
	(0.031)	(0.047)	(0.031)	(0.047)	(0.031)	(0.047)
Advocate Muslim X Judge Muslim	0.005	0.137**	0.005	0.137**	0.005	0.137**
	(0.049)	(0.069)	(0.049)	(0.069)	(0.049)	(0.069)
Petitioner Muslim X Judge Muslim	0.043	0.078	0.043	0.078	0.043	0.078
	(0.043)	(0.065)	(0.043)	(0.065)	(0.043)	(0.065)
Advocate Muslim	-0.110***	-0.212***	-0.110***	-0.212***	-0.110***	-0.212***
	(0.019)	(0.029)	(0.019)	(0.029)	(0.019)	(0.029)
Petitioner Muslim	0.021*	0.063***	0.021*	0.063***	0.021*	0.063***
	(0.012)	(0.019)	(0.012)	(0.019)	(0.012)	(0.019)
Judge Muslim	0.063***	-0.151***	0.063***	-0.151***	0.063***	-0.151***
	(0.012)	(0.020)	(0.012)	(0.020)	(0.012)	(0.020)
Advocate Muslim Overall Effect	-0.058	-0.100	0.035	0.082	0.012	0.043
Advocate Muslim Overall p-value	0.041	0.090	0.342	0.232	0.605	0.390
District FE	✓	✓	✓	✓	✓	✓
Year FE	✓	✓	✓	✓	✓	✓
Case Type FE	✓		✓		✓	
N	204,169	65,381	204,169	65,381	204,169	65,381

Notes from Table A1 apply.

Table A3: Muslim Petitioners and Advocates matching with High Caste Judges: Full Results, Case Status

	Admitted		Rejected		Disposed	
	(1) All	(2) Criminal	(3) All	(4) Criminal	(5) All	(6) Criminal
main						
Petitioner Muslim X Advocate Muslim X Judge High Caste	0.007	0.027	-0.003	-0.039***	0.004	-0.012
	(0.010)	(0.025)	(0.003)	(0.012)	(0.010)	(0.023)
Advocate Muslim X Petitioner Muslim	-0.001	0.005	0.004	0.012*	0.003	0.017
	(0.008)	(0.013)	(0.002)	(0.006)	(0.008)	(0.012)
Advocate Muslim X Judge High Caste	-0.017**	-0.020	0.001	0.012	-0.017**	-0.008
	(0.009)	(0.021)	(0.003)	(0.010)	(0.008)	(0.019)
Petitioner Muslim X Judge High Caste	0.001	0.061***	0.003*	0.002	0.005	0.062***
	(0.007)	(0.016)	(0.002)	(0.008)	(0.007)	(0.014)
Advocate Muslim	0.006	0.001	-0.002	-0.005	0.003	-0.004
	(0.006)	(0.008)	(0.002)	(0.004)	(0.005)	(0.008)
Petitioner Muslim	0.006	-0.002	-0.001	-0.002	0.005	-0.004
	(0.004)	(0.005)	(0.001)	(0.003)	(0.003)	(0.005)
Judge High Caste	-0.031***	-0.186***	0.007***	0.063***	-0.025***	-0.123***
	(0.002)	(0.005)	(0.001)	(0.002)	(0.002)	(0.004)
Decided						
Judges' Leave-out Resolution Rate	6.699***	5.123***	6.699***	5.123***	6.699***	5.123***
	(0.057)	(0.066)	(0.057)	(0.066)	(0.057)	(0.066)
Petitioner Muslim X Advocate Muslim X Judge High Caste	0.015	0.073	0.015	0.073	0.015	0.073
	(0.040)	(0.089)	(0.040)	(0.089)	(0.040)	(0.089)
Advocate Muslim X Petitioner Muslim	0.118***	0.216***	0.118***	0.216***	0.118***	0.216***
	(0.031)	(0.047)	(0.031)	(0.047)	(0.031)	(0.047)
Advocate Muslim X Judge High Caste	0.032	-0.041	0.032	-0.041	0.032	-0.041
	(0.033)	(0.069)	(0.033)	(0.069)	(0.033)	(0.069)
Petitioner Muslim X Judge High Caste	-0.062**	-0.086	-0.062**	-0.086	-0.062**	-0.086
	(0.026)	(0.055)	(0.026)	(0.055)	(0.026)	(0.055)
Advocate Muslim	-0.118***	-0.195***	-0.118***	-0.195***	-0.118***	-0.195***
	(0.021)	(0.029)	(0.021)	(0.029)	(0.021)	(0.029)
Petitioner Muslim	0.040***	0.073***	0.040***	0.073***	0.040***	0.073***
	(0.014)	(0.019)	(0.014)	(0.019)	(0.014)	(0.019)
Judge High Caste	-0.074***	-0.110***	-0.074***	-0.110***	-0.074***	-0.110***
	(0.007)	(0.017)	(0.007)	(0.017)	(0.007)	(0.017)
Advocate Muslim Overall Effect	-0.006	0.014	-0.001	-0.020	-0.007	-0.007
Advocate Muslim Overall p-value	0.703	0.707	0.834	0.250	0.647	0.842
District FE	✓	✓	✓	✓	✓	✓
Year FE	✓	✓	✓	✓	✓	✓
Case Type FE	✓		✓		✓	
N	204,169	65,381	204,169	65,381	204,169	65,381

Notes from Table A1 apply

Table A4: Muslim Petitioners and Advocates matching with High Caste Judges: Full Results, Case Outcomes

	Allowed		Dismissed		Withdrawn	
	(1) All	(2) Criminal	(3) All	(4) Criminal	(5) All	(6) Criminal
main						
Petitioner Muslim X Advocate Muslim X Judge High Caste	0.017	-0.006	0.034**	0.031	-0.008	0.042
	(0.012)	(0.037)	(0.015)	(0.043)	(0.010)	(0.031)
Advocate Muslim X Petitioner Muslim	-0.023**	-0.074***	0.025**	0.067***	-0.002	-0.003
	(0.009)	(0.019)	(0.012)	(0.022)	(0.008)	(0.016)
Advocate Muslim X Judge High Caste	0.008	0.016	0.015	-0.000	-0.003	-0.007
	(0.010)	(0.030)	(0.013)	(0.035)	(0.008)	(0.026)
Petitioner Muslim X Judge High Caste	0.023***	0.072***	-0.025**	-0.009	0.003	-0.040**
	(0.008)	(0.023)	(0.010)	(0.026)	(0.007)	(0.019)
Advocate Muslim	0.018***	0.046***	0.003	-0.019	-0.010*	-0.010
	(0.006)	(0.012)	(0.008)	(0.014)	(0.005)	(0.010)
Petitioner Muslim	-0.009**	-0.029***	0.019***	0.032***	0.009**	0.011
	(0.004)	(0.008)	(0.005)	(0.009)	(0.003)	(0.007)
Judge High Caste	-0.017***	-0.081***	-0.007***	-0.068***	0.020***	0.086***
	(0.002)	(0.007)	(0.003)	(0.008)	(0.002)	(0.006)
Decided						
Judges' Leave-out Resolution Rate	6.699***	5.123***	6.699***	5.123***	6.699***	5.123***
	(0.057)	(0.066)	(0.057)	(0.066)	(0.057)	(0.066)
Petitioner Muslim X Advocate Muslim X Judge High Caste	0.015	0.073	0.015	0.073	0.015	0.073
	(0.040)	(0.089)	(0.040)	(0.089)	(0.040)	(0.089)
Advocate Muslim X Petitioner Muslim	0.118***	0.216***	0.118***	0.216***	0.118***	0.216***
	(0.031)	(0.047)	(0.031)	(0.047)	(0.031)	(0.047)
Advocate Muslim X Judge High Caste	0.032	-0.041	0.032	-0.041	0.032	-0.041
	(0.033)	(0.069)	(0.033)	(0.069)	(0.033)	(0.069)
Petitioner Muslim X Judge High Caste	-0.062**	-0.086	-0.062**	-0.086	-0.062**	-0.086
	(0.026)	(0.055)	(0.026)	(0.055)	(0.026)	(0.055)
Advocate Muslim	-0.118***	-0.195***	-0.118***	-0.195***	-0.118***	-0.195***
	(0.021)	(0.029)	(0.021)	(0.029)	(0.021)	(0.029)
Petitioner Muslim	0.040***	0.073***	0.040***	0.073***	0.040***	0.073***
	(0.014)	(0.019)	(0.014)	(0.019)	(0.014)	(0.019)
Judge High Caste	-0.074***	-0.110***	-0.074***	-0.110***	-0.074***	-0.110***
	(0.007)	(0.017)	(0.007)	(0.017)	(0.007)	(0.017)
Advocate Muslim Overall Effect	0.020	-0.018	0.078	0.078	-0.022	0.022
Advocate Muslim Overall p-value	0.257	0.733	0.001	0.198	0.131	0.619
District FE	✓	✓	✓	✓	✓	✓
Year FE	✓	✓	✓	✓	✓	✓
Case Type FE	✓		✓		✓	
N	204,169	65,381	204,169	65,381	204,169	65,381

Notes from Table A1 apply

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