Before the Bench: Religious Segmentation in an Indian High Court

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This study examines the processing of cases and the results of Muslim litigants at the Patna High Court in Bihar, India, between 2009 and 2019. Using a hand-coded surname dictionary supplemented by a name classifier to infer religious identity in nearly 200,000 cases, we investigate how religious identity shapes legal representation and judicial outcomes. We find that Muslim appellants in criminal cases are 1.9 percentage points more likely to have their appeals dismissed, about 10% above the sample mean, a gap that is robust to controls for filing category, police station, and advocate; they are also 1.3 percentage points less likely to have their appeals allowed, although this gap halves with finer controls for case category. We also document substantial religious sorting in legal representation: Muslim petitioners are approximately 18 percentage points more likely than non-Muslim petitioners to retain Muslim advocates. Yet despite these disparities, we find limited robust evidence that judicial outcomes systematically depend on whether judges and litigants share a religious identity. These findings highlight the distinction between religious disparities in judicial outcomes and the role of religious representation on the bench, raising broader questions about the extent to which judicial diversity alone can address inequalities in access to justice.

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1 Introduction

Efforts to increase minority representation on the bench are motivated, in part, by the expectation that judicial diversity translates into more equitable outcomes for minority litigants. The premise rests on a large literature on social identity, in which decision-makers favor members of their own group (Akerlof and Kranton 2000), but the evidence from courts is mixed. In Israel, a small-claims case is roughly 18 percentage points more likely to be decided for the plaintiff when the judge shares the plaintiff's ethnicity, a bias that intensifies with ethnic violence near the court and persists after the violence subsides (Shayo and Zussman 2011; Shayo and Zussman 2017); Arab and Jewish judges also favor suspects of their own group in bail decisions (Gazal-Ayal and Sulitzeanu-Kenan 2010), and the ethnic composition of judicial panels shapes outcomes for Arab defendants (Grossman et al. 2016). In the United States, juries drawn from all-white pools convict Black defendants at substantially higher rates than white defendants, a disparity that disappears when the jury pool includes at least one Black member (Anwar, Bayer, and Hjalmarsson 2012; see also Flanagan 2018), whereas juvenile-court judges are harsher toward defendants of their own race (Depew, Eren, and Mocan 2017). In Sweden, defendants are less likely to be imprisoned when randomly assigned lay judges share their gender, ethnicity, education, or income, but only in longer trials and when the defendant is present in court, that is, when identity is salient (Ahrsjö, Niknami, and Palme 2024). In Kenya, criminal appeals are 3–5 percentage points more likely to succeed when judges share appellant ethnicity (Choi, Harris, and Shen-Bayh 2022), while predominantly civil litigants are 4–6 percentage points more likely to prevail before co-ethnic judges (Chen, Graham, et al. 2023). However, a study of more than five million criminal cases in India's district courts finds no evidence of religious or gender-based in-group favoritism, with estimates precise enough to rule out even small effects (Ash, Asher, et al. 2025).

We investigate this question in the context of India's Muslim minority, which comprises 14.2% of the national population (Census of India 2011). Research documents Muslims' underrepresentation in public institutions (Bhargava and Srinivasan 2007; Shaban 2018), educational disadvantages (Basant, Shariff, et al. 2010), discrimination in labor markets (Banerjee et al. 2009; Thorat and Attewell 2007; Deshpande and Newman 2007; Thorat 2010), and disparities in access to public programs (Krishna and Shariff 2011; Shaban 2018). These inequalities extend to the criminal justice system, where Muslims are disproportionately represented in prison populations (Ahmad and Siddiqui 2017; Vicziany 2024). Recent evidence also suggests that judicial decisions may be influenced by exposure to religious conflict: judges exposed to Hindu–Muslim communal violence during childhood are more likely to deny bail to Muslim defendants (Bharti and Roy 2023).

To examine how these inequalities manifest in navigating India's justice system, we turn to the Patna High Court in the state of Bihar. The High Courts occupy a critical position in the judicial hierarchy of India, reviewing the decisions of subordinate courts, adjudicating constitutional claims, and providing an important avenue for citizens seeking redress against state action (Ghosh and Chakrabarti 2021).

However, despite their central role, High Courts remain relatively understudied as sites of everyday legal adjudication. Although existing scholarship has examined the Supreme Court, district courts, and high-profile legal controversies (Gadbois 2011; Galanter and Robinson 2017; Chandra, Kalantry, and Hubbard 2023), systematic evidence on disparities in the experiences and outcomes of minority litigants at the High Court level remains limited.

Our analysis uses a hand-coded surname dictionary supplemented by machine-learning algorithms to infer religious and caste identities from names, together with official biographical sources to supplement and verify information on judges. We first examine religious representation and advocate selection among High Court litigants. Muslims account for 11.4 percent of criminal petitioners, compared with 16.9 percent of Bihar's population — a representation ratio of 0.68. We also find substantial religious sorting in legal representation: Muslim petitioners are approximately 18 percentage points more likely than non-Muslim petitioners to retain Muslim advocates, even after accounting for district, year, and case type.

Next, we examine disparities in criminal appeal outcomes. Muslim appellants are 1.9 percentage points (approximately 10 percent) more likely to have their appeals dismissed than non-Muslim appellants. This disparity remains robust to the inclusion of filing-category, police-station, and advocate fixed effects. Muslim appellants are also 1.3 percentage points less likely to have their appeals allowed, although this difference is attenuated by approximately half and becomes statistically indistinguishable from zero when we introduce finer controls for case category.

Finally, we examine whether these disparities vary with the religion of the presiding judge. Pooled across outcomes, Muslim judges treat Muslim petitioners about as non-Muslim judges do, and we can rule out in-group effects larger than approximately 2 percentage points. In criminal cases, however, Muslim judges both allow and dismiss Muslim petitioners' appeals less often, with more cases recorded simply as "disposed," a label that does not indicate whether relief was granted. Because Muslim judges hear fewer than 5 percent of cases, these estimates should be interpreted with caution. Overall, we find limited evidence that judges' religious identities explain the court-wide disparity. Since our data do not identify the underlying criminal offense, we cannot determine whether this disparity reflects discrimination or differences in the cases reaching the High Court, nor can we detect forms of differential treatment shared across judges.

This paper contributes to three literatures. First, it advances research on in-group bias and discrimination in adjudication (Anwar, Bayer, and Hjalmarsson 2012; Shayo and Zussman 2011; Gazal-Ayal and Sulitzeanu-Kenan 2010; Depew, Eren, and Mocan 2017; Choi, Harris, and Shen-Bayh 2022; Ash, Chen, and Ornaghi 2024; Bharti and Roy 2023; Ahrsjö, Niknami, and Palme 2024; Ash, Asher, et al. 2025). This literature exploits the random or quasi-random assignment of judges and jurors to cases to ask whether decision-makers favor litigants who share their identity, and it has examined race and

ethnicity (Anwar, Bayer, and Hjalmarsson 2012; Lim, Silveira, and Snyder 2016; Flanagan 2018), gender (Anwar, Bayer, and Hjalmarsson 2019a; Hoekstra and Street 2021), political ideology (Anwar, Bayer, and Hjalmarsson 2019b), and socioeconomic background (Ahrsjö, Niknami, and Palme 2024). It documents both in-group favoritism and instances in which minority officials adopt more punitive stances toward members of their own groups: Forman (2017) documents that African-American officials were more likely to "lock up their own," Depew, Eren, and Mocan (2017) find that judges sentence juveniles of their own race more harshly, and Chen (2024) finds that judges assign harsher sentences to defendants sharing their initials, particularly among Black judges. Our analysis extends this literature by distinguishing religious disparities in judicial outcomes from differences in treatment associated with judge–litigant religious matching. This distinction highlights an important limitation of approaches that focus exclusively on judge–litigant identity matching: because such designs compare judges with one another, they cannot detect differential treatment shared by all judges, and the absence of robust evidence of matching effects does not imply equality in judicial outcomes.

Second, it contributes to research on representation in the justice system and its consequences. Anwar, Bayer, and Hjalmarsson (2022) show that residents of predominantly white, high-income neighborhoods are heavily overrepresented in the jury pools of Harris County, Texas, that this unequal representation raises the conviction rates and sentences of Black defendants, and that most of it arises before jury selection, in the composition of the pool itself. Ahrsjö, Niknami, and Palme (2024) find that Swedish lay judges are far better educated and wealthier than the defendants they judge, yet that even fully representative lay judges would narrow the sentencing gaps between social groups by at most about one percentage point. Our findings carry a similar message for an Indian High Court: Muslims are underrepresented among petitioners, advocates, and judges alike, and the religious disparity in outcomes is not one that greater representation on the bench alone would be expected to remove.

Third, we contribute to the growing empirical literature on judicial institutions and access to justice in developing democracies (Chemin, Kimalu, and Newman-Bachand 2024; Chandra, Kalantry, and Hubbard 2023; Ash, Asher, et al. 2025; Kang et al. 2020). Although existing research on India's judiciary has examined the Supreme Court, district courts, and high-profile legal controversies, there is relatively little systematic evidence on the everyday functioning of High Courts. By examining nearly 200,000 cases before the Patna High Court, we provide new evidence on religious representation, advocate selection, and disparities in appellate outcomes at this understudied level of the judiciary. More broadly, our analysis contributes to research on legal representation and access to justice (Chen, Moskowitz, and Shue 2016; Dobbie, Goldin, and Yang 2018; Ryo 2018) and relates to recent work that separates disparities from discrimination and traces disparities across the stages of the criminal process (Abrams, Bertrand, and Mullainathan 2012; Arnold, Dobbie, and Yang 2018; Arnold, Dobbie, and Hull 2022; Bohren, Hull, and Imas 2025). Methodologically, our approach to inferring religious identity from names, combining a hand-coded surname dictionary with machine-

learning classification and comparisons across methods, offers a framework for studying judicial disparities where demographic information is not directly recorded.

The remainder of the paper is organized as follows. Section 2 provides an overview of the context, and Section 3 describes our data and how we infer religion from names. Section 4 documents Muslim representation and advocate selection. Section 5 examines judge assignment and sets out how we analyze outcomes, and Section 6 examines religious disparities in case outcomes and whether they vary with the religion of the judge. Section 7 reports robustness checks, Section 8 discusses our findings and their limitations, and Section 9 concludes.

2 Context

Bihar provides an important setting for examining religious disparities in judicial outcomes. The state is home to one of India's largest Muslim populations,[1] with Muslims accounting for 17.7% of its 130.7 million residents, compared with 82.0% who are Hindu, according to the state's 2022–23 caste-based survey (Government of Bihar 2023). The Muslim population is concentrated in the northeastern districts (Figure A1). Bihar is also India's poorest state, with per capita income approximately one-third of the national average and 26.6% of residents experiencing multidimensional poverty in 2022–23 (Reserve Bank of India 2025; Finance Department 2026; NITI Aayog 2024).

Religious divisions in Bihar intersect with deeply entrenched caste hierarchies. Both Hindus and Muslims are stratified by caste, or *jati*,[2] although the classifications differ across religious communities. The state classifies Hindu *jatis* into Scheduled Castes (SC), Other Backward Classes (OBC), and Forward or General Castes. Among Muslims, caste distinctions broadly follow a three-tier hierarchy of *ashraf*, *ajlaf*, and *arzal*, roughly corresponding to forward, backward, and historically marginalized caste groups, respectively, although these categories are less formally institutionalized in state policy (Basant, Shariff, et al. 2010). Against this backdrop of overlapping religious and caste hierarchies, Muslims in Bihar face substantial socioeconomic disadvantages. Recent survey evidence documents lower incomes, smaller landholdings, lower literacy, and more limited access to poverty alleviation programs among Muslims than among most Hindu caste groups (Joshi, Kochhar, and Rao 2022).

[1] According to the 2011 Census, the most recent national census, four states together account for more than 54% of India's Muslim population: Uttar Pradesh (22.34%), West Bengal (14.31%), Bihar (10.19%), and Maharashtra (7.53%) (Census of India 2011).

[2] We define caste as *jati*: hereditary, endogamous groups whose identities are expressed through naming conventions, geographic location, occupation, property ownership, diet, gender norms, and social and religious practices, among other markers (Joshi, Kochhar, and Rao 2022).

2.1 Religious Identity and Political Change in Bihar

Hindu–Muslim relations in Bihar have been shaped by a long history of coexistence, political cooperation, and communal tensions (Metcalf 2014). During the colonial period, the two communities collaborated in movements for regional autonomy, including the establishment of Bihar as a separate province in 1912. Many Bihari Muslims subsequently supported a unified India rather than Muslim separatism during the independence movement (Rai 2006; Ahmed 2022). Following independence, Muslim political participation was initially closely aligned with the Indian National Congress, but increasingly intersected with caste-based movements challenging entrenched social and economic hierarchies (Sajjad 2014; Jaffrelot 2003). By the 1990s, movements such as the Pasmanda movement had begun mobilizing marginalized Muslim caste groups around demands for greater political representation and social justice (Sajjad 2014; Jaffrelot and Kumar 2012).

The rise of Hindu nationalism has altered the broader political environment in which these communities interact. The Bharatiya Janata Party's (BJP) national electoral victory in 2014, under Narendra Modi, marked an important political transition, accompanied by increasingly prominent majoritarian political narratives and concerns about the protection of Muslim minority rights (Shaban 2018). Research documents communal violence, anti-Muslim rhetoric, and challenges to minority protections in this period (Basu 2021). These developments motivate our examination of whether disparities in judicial outcomes changed following 2014. Although the political transition occurred at the national level, our analysis examines whether the disparity faced by Muslim appellants in the Patna High Court differed before and after this period, without attributing any observed change to the election itself.

2.2 The Patna High Court

The Patna High Court is the highest judicial authority in Bihar, operating within India's three-tier judicial system of District Courts, High Courts, and the Supreme Court. Established in 1916, the court exercises both appellate and original jurisdiction over civil and criminal matters. Its principal appellate function is to review decisions of subordinate courts, while its original jurisdiction includes writ petitions and certain constitutional matters. By 2019, the court had 22 permanent judges, including the Chief Justice, and 14 additional judges.

The Patna High Court has played an important role in India's legal and constitutional development, adjudicating disputes over land reform, fundamental rights, and politically consequential cases (Sinha 2019; Baxi 2000). Several of its judges have subsequently served on the Supreme Court of India (Gadbois 2011; Chandrachud 2020). Like many Indian courts, however, it operates under substantial institutional constraints, including a large backlog of pending cases and the demands of adjudicating politically sensitive disputes (Kumar 2012). These pressures form part of the institutional environment in which judicial decisions are made.

A further institutional feature relevant to our analysis is the common framework of legal education across religious communities. Under the Bar Council of India's Rules of Legal Education (2008), accredited law programs are required to provide instruction in core subjects, including criminal law, constitutional law, and two compulsory papers in family law (Bar Council of India 2008). University curricula commonly cover both Hindu and Muslim personal law, ensuring that legal training is not confined to the religious traditions of individual students. This shared educational foundation may limit differences in legal knowledge associated with judges' religious identities, although it does not preclude differences in judicial attitudes or behavior.

2.3 Institutional Procedures at the Patna High Court

Cases at the Patna High Court follow a sequence of filing, administrative scrutiny, judicial assignment, and adjudication. Proceedings may be heard by a single judge or a division bench of two or more judges, depending on the nature of the case. Understanding this sequence is important for our empirical analysis because litigants select their legal representatives, while the court controls the initial assignment of cases to judges.

To initiate proceedings, a petitioner retains an advocate, referred to here as the filing advocate, who prepares and submits the petition or appeal. This choice is made before the case enters the court's administrative system and before its initial assignment to a judge. As we show in Section 4, the selection of filing advocates is strongly associated with shared religious identity. Following submission, cases pass through an administrative process known as FORA: Filing $\rightarrow$ Objections $\rightarrow$ Registration $\rightarrow$ Allocation.[3] Court staff review filings for procedural completeness and compliance with registration requirements, and defective or incomplete submissions may require correction before proceeding. Our initial data extraction identified 1,071,068 unique case entries filed between 2009 and 2019, of which 296,449 (27.7%) had corresponding records in the e-Courts system. Among these, 226,940 cases also identified the judge who heard the case. Although the discrepancy between initial filings and available e-Courts records may partly reflect administrative screening, it may also arise from differences in recordkeeping or electronic data availability. We cannot distinguish among these explanations and therefore do not interpret the discrepancy as evidence of rejection during the filing process. Section 3 describes the construction and coverage of our analytic sample in greater detail.

Cases proceeding to judicial assignment are allocated to benches through the roster system, under which the Chief Justice distributes judicial business according to case category and other administrative considerations. Because filing advocates are selected before this allocation, litigants do not ordinarily choose their initial judge directly. Nevertheless, roster-based assignment is not equivalent to random assignment: differences in case categories, filing dates, bench composition, and reassignment procedures may generate systematic variation in which judges hear particular cases. Our empirical

[3] See https://districts.ecourts.gov.in/sites/default/files/Case%20Management.pdf.

strategy therefore examines whether the characteristics of the judge are balanced between petitioners of different religious identities, conditional on the observable characteristics of the case, as discussed in Section 5.

Following assignment, litigants may retain additional advocates, here referred to as litigating advocates, to represent them during court proceedings. These advocates may be selected in part on the basis of courtroom experience, specialization, or familiarity with particular judges (Galanter and Robinson 2017). Such choices may introduce additional sorting between litigants, advocates, and judges after the initial assignment. We therefore distinguish the initial filing process from subsequent representation when interpreting the relationship between judicial identity and case outcomes.

Proceedings end with a recorded status. Cases that have reached terminal status are marked as *disposed* in the e-Courts system, and many carry a more specific outcome label:[4]

- *Allowed*: the court grants the petition or appeal, in whole or in part. This generally represents a favorable outcome for the petitioner; in an appeal, it may involve overturning or modifying the lower court's decision.
- *Dismissed*: the court dismisses the petition or appeal. This generally represents an unfavorable outcome for the petitioner, but it need not reflect a determination on the merits: petitions may also be dismissed for default, when the petitioner or advocate does not appear, or for non-prosecution.
- *Withdrawn*: the petition or appeal is withdrawn by the petitioner with the court's permission. Withdrawal may occur for several reasons and does not reflect an adjudication of the underlying claims.
- *Rejected*: the court records the petition as rejected.

Other terminal cases carry no outcome label beyond "disposed," or a label such as transfer to another court or disposal with observations. Cases that have not reached terminal status are pending.

3 Data

We assembled a dataset of publicly available case records from the Patna High Court. The case records were first scraped in the spring of 2020 and updated in April 2023; the daily orders of the court, from

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

which we identify the judges who heard each case, cover January 2008 to March 2020.[5] This yielded 1,071,068 unique cases filed in 2009–2019. Of these, 296,449 have a record in the e-Courts system, and 226,940 of those also list the judge who heard the case (Appendix Table A1).[6] Whether a case has an e-Courts record depends mainly on its type and filing year: 57.5% of civil cases have one, compared with 12.5% of criminal cases, and almost all civil cases filed in 2015, 2017, and 2018 do. The cases we analyze are therefore predominantly civil (68% of the main sample), although most filings are criminal (66%; Appendix Table A1).

Although the loss of cases at the e-Courts matching stage is substantial, concerns about selection by petitioner religion are mitigated by the fact that coverage differences are largely explained by case type and filing year rather than by the religion of the litigants. Within criminal cases, Muslim petitioners represent 11.8% of cases with an e-Courts record and 12.2% of those without; the corresponding shares for civil cases are 8.7% and 8.8%. Conditional on filing year and case type, Muslim petitioners are 0.46 percentage points less likely than non-Muslim petitioners to have an e-Courts record, on a base of 26.6%; adding district and case-category fixed effects reverses the sign ($+0.35$ percentage points; Appendix Table A2).[7]

For cases with linked electronic records, we extract information on case type (civil or criminal, and whether the case is an appeal from a lower court), filing and decision dates, disposition, and the names of the presiding judge, petitioner, and filing advocate, subject to the availability of these fields (Table 1 and Appendix Figure A2).[8]

We construct outcomes from the e-Courts disposition labels described in Section 2.3. We group labels for dismissal for default and for non-prosecution with dismissals, partial allowances with allowances, and transfers and disposals with observations with cases disposed without a stated outcome; a small number of decided cases carry other labels (for example, "bail granted"). Our two main outcomes are whether a case was allowed and whether it was dismissed. Both are defined over all cases in the sample,

[5] The Patna High Court has published cases online since 2010 as part of a broader national effort to digitize legal information in India; orders from earlier years were added to the online archive.

[6] The e-Courts system provides information on registered cases, allowing litigants and the public to track proceedings and retrieve hearing dates, judgments, and orders. Which cases have an electronic record appears to reflect the court's digitization and record-keeping practices, which differed across case types and filing years.

[7] At the next step, a judge is missing almost only when no order for the case was captured. Most such cases were pending at the admission stage, and had probably not yet been heard, when the orders were collected; the remainder are decided cases whose orders were not captured, mostly decisions of 2015–2019. Among criminal cases with an e-Courts record, Muslim petitioners are 2.2 percentage points less likely to have a judge identified (74.8% for non-Muslim petitioners). This difference falls to 0.55 percentage points (SE 0.38) after controlling for filing year, filing subject, and district, and is absent among decided cases (-0.16, SE 0.45; Appendix Table A2, Panel B). Section 7 shows that the main estimates change little when the requirement of an identified judge is dropped.

[8] Our classification of "criminal cases" follows the Patna High Court's own categorization in the e-Courts database. References to "criminal cases" primarily denote appeals and petitions under the High Court's appellate and supervisory criminal jurisdiction, not original criminal filings. The court exercises substantial criminal jurisdiction through: (1) appeals against convictions by Sessions Judges, particularly for sentences exceeding seven years; (2) state appeals against acquittals; (3) revisions of lower court orders; and (4) constitutional petitions related to criminal matters.

so that a case still pending at the end of our data counts as neither allowed nor dismissed. Among criminal cases, 11.6% were allowed and 18.0% dismissed, and 43% were still pending at the end of our data (Table 1). Because outcomes are defined for every case, the estimates do not condition on a case having been resolved; we report Heckman selection models, which model resolution explicitly, in Section 7.

An important limitation of the High Court records is that they provide relatively little information about the underlying offenses in criminal cases. Although the records identify the court's filing category and, for 64.7% of criminal cases, the police station where the case originated, they do not systematically report the statute or section under which the case was brought. We use the available filing categories to control for differences in case composition and, for a subset of criminal cases, recover more detailed offense information by linking High Court cases to their corresponding district-court records (Section 7 and Appendix B).

Next, we restrict the sample to cases relevant to our analysis of religious disparities in judicial outcomes. First, we exclude cases in which the government appears as a petitioner, since government-filed litigation involves distinctive legal issues, resources, and strategic considerations that make it difficult to compare with cases brought by private litigants. Government litigation is common in our data: among cases with an e-Courts record and an identified judge, the government is a party in 78.3% of cases, predominantly as respondent (75.9%) rather than petitioner (2.4%).[9]

We also exclude cases in which the religion of the petitioner or judge cannot be classified (Section 3.1), leaving 197,307 cases summarized in Table 1. Our regressions additionally require information on the religion of the filing advocate and the district of origin, and exclude observations that are alone in a fixed-effect cell. The resulting main analysis sample comprises 192,193 cases: 61,285 criminal and 130,908 civil. Appendix Table A1 documents each stage of sample construction; exhibits using different samples specify their restrictions in the accompanying notes.

We supplement the case records with biographical information on judges, including their caste, religion, age, and education. Because no comprehensive public database of Indian High Court judges is available, we compile this information from two official sources: the Judge Handbooks published by the Supreme Court of India in 2014 and 2018, and the Patna High Court's website. Our biographical data cover 84 judges who served at the Patna High Court during the sample period; 76 of them are the first-listed judge on at least one case in our sample, four of them Muslim. Since cases may be heard by benches of more than one judge, and by different judges over the life of a case, we assign each case the first judge listed on its earliest captured order, which we take to be the judge to whom the case was

[9] This prevalence is comparable to the findings of Chandra, Kalantry, and Hubbard (2023), who report that the government is a litigant in approximately 73% of matters admitted to the Supreme Court of India. The Government of India has also acknowledged its role as a major litigant. Its 2010 *National Litigation Policy* described the government as "the predominant litigant in courts and tribunals throughout the country" (as cited in Rangarajan 2024).

first allocated through the court's roster system. We classify judges as Muslim or non-Muslim on the same basis as petitioners and respondents.

3.1 Inferring Religion from Names

Our data do not record religion, so we infer the religion of petitioners, advocates, and judges from their names. We coded by hand the 500 most common surnames in our data as Hindu, Muslim, or ambiguous; these cover 92% of petitioners in our analysis sample. A name with a surname coded Hindu or Muslim takes that code. Any other name is coded Muslim if its first name carries an unambiguous marker (such as *Md.*, *Khatoon*, or *Begum*). Names with an ambiguous surname and no marker are set to missing; the remaining names, whose surnames are not in the dictionary, are coded by a machine-learning classifier trained on the names of litigants in personal-law cases at the Patna High Court. Among petitioners coded Muslim, 69% are coded from the dictionary, 20% from a first-name marker, and 11% by the classifier. Our main results are unchanged when we use dictionary codes alone (Section 7). Appendix A describes the dictionary and the classifier, their validation, and our coding of caste. Throughout the paper, "Muslim petitioner" means a petitioner whose name is coded Muslim by this procedure, and similarly for advocates and judges.

4 Access and Representation

4.1 Muslim Representation in the Court

We begin by examining Muslim representation among litigants, advocates, and judges. In our sample of 197,307 cases, Muslims account for 9.6% of petitioners, with considerable variation across Bihar's districts (Appendix Figure A1). The share is higher in criminal cases (11.4%) than in civil cases (8.7%). Muslim advocates file 5.0% of cases, while 4.6% of cases are assigned to Muslim judges (Table 1).

These patterns raise questions about Muslim representation at different stages of the criminal justice system. Previous research documents the disproportionate involvement of Muslims in certain categories of criminal proceedings in India (Ahmad and Siddiqui 2017). Following Ash, Asher, et al. (2025), we examine representation by comparing the share of Muslim litigants in different types of criminal cases with their share in the population.[10] For district courts, we restrict the data of Ash, Asher, et al. (2025) to Bihar and apply their religion classifier; for the High Court, we use our own data and classification procedure.[11] Because the two datasets use different methods to classify religion,

[10] Representation ratios are descriptive and should not be interpreted as measures of discrimination or unequal treatment by the courts. Differences between case shares and population shares may reflect variation in underlying criminal activity, policing, prosecution, access to legal representation, and the selection of cases reaching different levels of the judicial system.

[11] Column 1 of Table 2 reports the national ratios from Ash, Asher, et al. (2025). Column 2 applies their data, religion

comparisons between courts should be interpreted cautiously. Population shares are drawn from the 2011 Census of India.

Table 2 and Figure 1 present the results. Column 1 of Table 2 reproduces the national findings of Ash, Asher, et al. (2025). Across criminal cases in India's district courts, Muslims account for 1.03 times their population share among defendants, although representation varies considerably by offense. The ratios are 1.36 for crimes against women, 1.37 for robbery, and 1.62 for marriage-related offenses, compared with 0.95 for murder (Ash, Asher, et al. 2025, pp. 15–16). Column 2 applies the same methodology to Bihar's district courts. Muslims account for 0.89 times their population share among criminal defendants overall, although representation varies substantially across offenses. The ratios are 1.43 for marriage-related offenses, 1.23 for crimes against women, and 1.10 for both sexual assault and trespassing. By contrast, they are 0.70 for offenses against public health or safety, 0.81 for murder, and 0.82 for causing hurt.[12]

At the Patna High Court, the pattern differs. Muslims appear among individual petitioners in criminal cases at 0.68 times their population share, and among individual respondents at 1.08 times. These categories do not correspond to the defendants observed in district courts. Individual petitioners are mostly accused or convicted persons challenging a lower-court order, through appeals, revisions, or bail and quashing petitions, but they also include complainants who seek to overturn a decision in the accused's favor. Individual respondents are rare, because the State is the respondent in most criminal matters (1,643 cases, against 62,353 with an individual petitioner); they appear mainly when the State or a complainant challenges an acquittal or another order favorable to the accused. The High Court's criminal docket also consists of appeals, revisions, and petitions rather than original criminal proceedings. The two sets of ratios are therefore not directly comparable. Nevertheless, the contrast raises questions about how cases involving Muslim litigants progress through different levels of the judicial system.

Figure 1 traces these representation ratios in our sample over time. Muslim criminal petitioners remain underrepresented relative to their population share throughout the sample period, with annual ratios ranging from 0.62 to 0.76. Representation among criminal respondents fluctuates more substantially, although these estimates are based on relatively small annual samples of 83–202 cases, as the government is the respondent in most criminal proceedings before the High Court.

Taken together, these findings reveal substantial differences in Muslim representation in courts, types of criminal proceedings, and roles within the judicial system. Although these patterns cannot establish whether Muslims face barriers to accessing the High Court, they provide an important context for

classifier, and method, available at https://github.com/devdatalab/paper-justice, to the Bihar subsample.

[12] We calculate the Bihar-specific ratios using the district-court data and religion classifier of Ash, Asher, et al. (2025), available at https://github.com/devdatalab/paper-justice. These estimates are not reported separately in the published study.

examining religious disparities in judicial outcomes.

4.2 Advocate Selection

Religious identity is also strongly associated with the selection of legal representation. Table 3 examines this relationship by regressing an indicator of whether the filing advocate is Muslim on an indicator of whether the petitioner is Muslim. Muslim petitioners are 18.5 percentage points more likely than non-Muslim petitioners to retain a Muslim advocate (column 1), compared to an overall Muslim advocate share of 5.0%. The association remains large after including district fixed effects (17.7 percentage points) and district-by-year and case-type fixed effects (17.6 percentage points). It is also present in civil (18.6 percentage points) and criminal cases (15.9 percentage points). The persistence of this association across specifications suggests that religious sorting in legal representation cannot be explained solely by observable geographic and case-type differences.

Muslim and non-Muslim advocates also differ in observable characteristics. Muslim advocates have caseloads approximately 27% smaller (-0.32 log points) and about 0.2 fewer years of experience at the court than non-Muslim advocates (Appendix Table A3). We return to whether differences in legal representation help explain disparities in judicial outcomes in Section 7.

Several mechanisms could explain the strong association between petitioner and advocate religion. Muslim advocates may specialize in Muslim personal law, which has historically differed from Hindu law in matters of marriage, inheritance, and family affairs (Metcalf 2014; Sajjad 2014), although matching in criminal cases suggests that specialization cannot fully explain the pattern. Religious identity can also serve as a form of social capital that reduces search and transaction costs (Iyer 2018), and research from other legal settings suggests that shared identities between clients and legal representatives can facilitate communication, trust, and confidence in legal proceedings (Ryo 2018; Young and Hassan 2020).[13] Such considerations may be particularly salient in India, where navigating the judicial system can impose substantial informational and procedural burdens on disadvantaged litigants (Krishnan et al. 2014). Our data cannot distinguish among these explanations.

The substantial religious sorting of petitioners into legal representation therefore raises an important question for our subsequent analysis: whether differences in advocate characteristics or religious matching contribute to the disparities in judicial outcomes documented below.

[13] Research in the United States suggests that trust in legal institutions may depend on the perceived competence and legitimacy of legal actors (Young and Hassan 2020), while disadvantaged defendants may distrust court-appointed lawyers whom they perceive as socially distant (Clair 2021).

5 Judge Assignment and the Analysis of Outcomes

Our empirical strategy builds on the roster system described in Section 2.3: petitioners select their advocates, while judges are assigned through a roster administered by the Chief Justice. Previous research suggests that this system can generate quasi-random initial judge assignment in Indian courts (Ash, Asher, et al. 2025; Chandra, Kalantry, and Hubbard 2023; Bhupatiraju et al. 2024). Because subsequent reassignment may be influenced by factors such as delays or litigant behavior, we identify the assigned judge as the first-listed judge on the case's earliest recorded order throughout our analysis.

5.1 Balance of Judge Assignment

If the roster system produces quasi-random assignment, petitioner religion should not systematically predict the characteristics of the assigned judge. Following Abrams, Bertrand, and Mullainathan (2012), we test this by regressing the characteristics of the judge on an indicator for a Muslim petitioner:

$$\text{Judge characteristic}_{icyd} = \beta_0 + \beta_1 \text{Petitioner Muslim}_i + \gamma_c + \alpha_y + \nu_d + \epsilon_{icyd} \tag{1}$$

Here, for case i of type c (civil or criminal), filed in year y and district d, Petitioner Muslim$_i$ equals 1 if the petitioner is classified as Muslim and 0 otherwise. The dependent variables are an indicator for a Muslim judge and five predetermined characteristics: the judge's age, whether the judge was recruited from the Bar, whether the judge was transferred from another court, years at the court, and years as a permanent judge. The model includes case-type (γ_c), filing-year (α_y), and district (ν_d) fixed effects, with standard errors clustered at the district-by-year level.

Panel A of Table 4 presents the results. Muslim petitioners are no more likely than other petitioners to be assigned a Muslim judge: the coefficient is 0.2 percentage points (SE 0.2), compared with a mean of 4.6%. None of the five predetermined judge characteristics is individually associated with petitioner religion at the 5% level, and a joint Wald test, estimating the five equations together, fails to reject balance ($\chi^2_{(5)} = 5.50$, $p = 0.36$). Appendix Table A4 and Figure A3 show that the predicted probability of assignment to a Muslim judge ranges from 4.6% to 5.2% across combinations of petitioner and advocate religion. In that specification, which includes advocate religion and its interaction with petitioner religion, Muslim petitioners with non-Muslim advocates are 0.39 percentage points more likely to be assigned a Muslim judge (SE 0.18), a small difference relative to the overall assignment rate.

Advocates differ from petitioners because they are selected by litigants and may possess professional networks, reputations, or specialized expertise that influence case assignment (Galanter and Robinson 2017). Panel B of Table 4 replaces the petitioner indicator with an indicator for a Muslim filing advocate. Muslim advocates are no more likely to appear before Muslim judges (0.3 percentage points,

SE 0.2), but the joint test rejects balance on the five judge characteristics ($\chi^2_{(5)} = 16.84$, $p = 0.005$), although the individual differences are small. Because advocates are selected by petitioners and exhibit some imbalance in judge assignment, we interpret associations involving advocate identity descriptively rather than causally. Overall, these balance tests are consistent with quasi-random initial judge assignment with respect to petitioner religion, although they cannot rule out sorting on unobserved case characteristics.

5.2 Estimating Differences in Outcomes

To estimate differences in judicial outcomes between Muslim and non-Muslim petitioners, we estimate:

$$Y_{icyd} = \beta_0 + \beta_1 \text{Petitioner Muslim}_i + \beta_2 \text{Advocate Muslim}_i + \beta_3 \text{Judge Muslim}_i + \gamma_c + \alpha_y + \nu_d + \epsilon_{icyd} \tag{2}$$

where Y_{icyd} is a binary indicator for whether case i was allowed or dismissed, estimated separately for each outcome. Case type c identifies one of 17 case groups. We estimate the model using OLS separately for criminal and civil cases, with standard errors clustered at the district-by-year level. The coefficient β_1 captures the adjusted difference in outcome probabilities between Muslim and non-Muslim petitioners within the same case group, district, and year, holding advocate and judge religion constant. It should not be interpreted as a causal effect of petitioner religion. Section 7 examines the sensitivity of this association to finer controls for case characteristics.

The balance tests are broadly consistent with quasi-random initial judge assignment, suggesting that judge religion may be unrelated to unobserved case characteristics, conditional on the controls included in our analysis. To examine whether judicial outcomes vary with judge–petitioner religious matching, we add an interaction between Muslim petitioner and Muslim judge to Equation 2:

$$\begin{aligned} Y_{icyd} = \beta_0 + \beta_1 \text{Petitioner Muslim}_i + \beta_3 \text{Judge Muslim}_i + \delta \left(\text{Petitioner Muslim}_i \times \text{Judge Muslim}_i\right) \\ + \beta_2 \text{Advocate Muslim}_i + \gamma_c + \alpha_y + \nu_d + \epsilon_{icyd} \end{aligned} \tag{3}$$

The coefficient δ captures how much the difference in outcomes between Muslim and non-Muslim petitioners changes between cases heard by Muslim and by non-Muslim judges. Under quasi-random judge assignment, this interaction can identify differential responses to petitioner religion across judges, although it does not by itself establish discriminatory treatment or judicial motives. Its substantive interpretation depends on the outcome being examined: higher allowance rates are favorable to petitioners, whereas higher dismissal rates are unfavorable.

6 Religious Disparities in Case Outcomes

This section reports estimates of Equations 2 and 3. We first document differences in judicial outcomes between Muslim and non-Muslim petitioners across the court, and then examine whether these differences vary with the religion of the assigned judge.

6.1 Gaps in Outcomes for Muslim and Non-Muslim Petitioners

Table 5 reports the estimates of Equation 2. In criminal cases, Muslim appellants are 1.86 percentage points more likely than non-Muslim appellants to have their appeals dismissed (SE 0.50; column 3), a difference equivalent to 10.4% of the sample mean of 17.9%. They are also 1.27 percentage points less likely to have their appeals allowed (SE 0.46; column 1), a difference equivalent to 11% of the sample mean of 11.6%. These estimates compare cases within the same district, year and case group, controlling for the religion of the advocate and assigned judge. As shown in Section 7, finer controls for case category substantially attenuate the allowance disparity, while the dismissal disparity remains comparatively stable. Thus, the evidence of a court-wide disparity is more robust for dismissals than for allowances.

In civil cases, the pattern is reversed. Muslim petitioners are 1.00 percentage points more likely to have their petitions allowed (SE 0.33; column 2), a difference equivalent to 12.5% of the sample mean of 8.0%, while the difference in dismissal rates is small and statistically insignificant (-0.28 percentage points, SE 0.42; column 4). Thus, the disadvantage observed among Muslim criminal appellants does not extend to civil cases, where Muslim petitioners instead experience higher allowance rates.

The religion of the filing advocate is not significantly associated with the allowance or dismissal rates after controlling for the religion of the petitioner and the other covariates in Table 5. We return to the role of advocates in Section 7, where we compare Muslim and non-Muslim clients represented by the same advocate.

Figure 3 shows the distribution of the case statuses in criminal cases at the end of our observation period, by petitioner and first-listed judge religion. Before non-Muslim judges, 21.3% of cases brought by Muslim petitioners were dismissed, compared to 17.5% of cases brought by non-Muslim petitioners. This 3.7-percentage point difference is accompanied by a 1.1-percentage point lower allowance rate and a combined 3.2-percentage point lower share of cases still pending, disposed without a stated outcome or decided under another label. Withdrawals are 0.8 percentage points more common among Muslim petitioners, while differences in rejection rates are negligible. Thus, the higher dismissal share is accompanied primarily by lower shares of allowed, pending, and otherwise disposed cases, rather than by a uniform shift across all outcome categories.

The gaps are present throughout our sample period. When we allow the difference between Muslim

and non-Muslim petitioners to change for cases filed in 2014 or later, the change is not statistically significant for any outcome (Table 7, last row). However, the estimates are imprecise and point in different directions: the criminal Dismissed gap is smaller after 2014 (-1.74 percentage points, SE 1.04), while the criminal Allowed gap is larger (-1.08, SE 0.98). We therefore find no evidence that the disparity emerged or grew after the change in national government, but we cannot rule out moderate changes in either direction.

6.2 Outcomes and Judge Identity

We next estimate Equation 3, which asks whether the difference in outcomes between Muslim and non-Muslim petitioners changes between cases assigned to Muslim and to non-Muslim judges. The coefficient of interest is δ, the interaction between Muslim petitioner and Muslim judge.

Table 6 and Figure 2 report the gap before each group of judges and their difference, δ, for each outcome. Before non-Muslim judges, the criminal gaps resemble those in Table 5: Muslim petitioners are 2.10 percentage points more likely to have their cases dismissed (SE 0.51) and 1.11 points less likely to have them allowed (SE 0.47). Before Muslim judges, they are 5.10 points less likely to have their cases allowed (SE 1.52) and 3.75 points less likely to have them dismissed (SE 2.32). These estimates rest on few cases: Muslim judges hear 3.8% of criminal cases, fewer than 300 of them brought by Muslim petitioners.

In criminal cases, both estimates of δ are negative and statistically significant at the 5% level: -3.99 percentage points for Allowed (SE 1.61; randomization-inference $p = 0.014$) and -5.86 for Dismissed (SE 2.36). Fewer allowances are unfavorable to the petitioner; fewer dismissals are favorable. Before Muslim judges, the criminal cases of Muslim petitioners are instead more often recorded as disposed without a stated outcome (Figure 3), so these estimates indicate neither favoritism nor disadvantage. In civil cases, neither estimate is statistically significant (Allowed -1.45, SE 0.93, randomization-inference $p = 0.15$; Dismissed $+0.27$, SE 1.61).

To combine the four estimates of δ in a single test, we define a favorable outcome equal to Allowed and to minus Dismissed, and estimate Equation 3 on the four stacked outcomes (criminal and civil, Allowed and Dismissed), with outcome-specific main effects and fixed effects and a common δ. A positive δ means that Muslim petitioners fare better, relative to non-Muslim petitioners, before Muslim judges than before non-Muslim judges. The pooled estimate is -0.30 percentage points (SE 0.86; 95% confidence interval $[-2.00, +1.39]$; Appendix Table A5); randomization inference, permuting judge religion within year-by-case-group strata, gives $p = 0.70$, and the minimum detectable effect at 80% power is 2.42 points. The pooled test therefore rules out a common in-group effect larger than about 2 percentage points in either direction, smaller than the co-ethnic effects of 3 to 5 points found among Kenyan judges (Choi, Harris, and Shen-Bayh 2022; Chen, Graham, et al. 2023). Because

it averages criminal estimates of opposite sign, however, it does not rule out the separate criminal effects above. The pooled estimate is similar for cases heard by a single judge (-0.14) and by a bench (-0.25).

Appendix Figure A4 estimates the gap in the favorable outcome separately for each of the 51 first-listed judges with at least 100 cases brought by Muslim petitioners, with district, year, and case-group fixed effects and empirical Bayes shrinkage. The shrunk gaps range from -1.5 to $+1.9$ percentage points, and the three Muslim judges in this group rank 12th, 25th, and 37th; none is an outlier.

Two further tests concern the religion of other parties rather than of the judge. In disputes between private parties (Appendix Table A6), no combination of petitioner and respondent religion differs from disputes between two non-Muslim parties by more than 2 percentage points in either outcome, and none of the differences is statistically significant. A test by the religion of the district judge whose decision is under appeal is not feasible: only 10 linked cases have both a Muslim petitioner and a Muslim district judge (Appendix B).

Taken together, the estimates of Equation 3 provide limited evidence that the religion of the judge accounts for the court-wide disparity. The pooled test finds no in-group effect, and the criminal estimates move in opposite directions and rest on few cases. These results are consistent with the absence of religious in-group favoritism in India's district courts (Ash, Asher, et al. 2025). Because the design compares judges with one another, it cannot detect differential treatment common to judges of all religions (Section 8).

7 Robustness

Next, we examine the sensitivity of the court-wide disparities documented in Section 6.1 to alternative specifications, controls for case composition, and differences in legal representation. Table 7 summarizes the main results, while Appendix Tables A7 and A8 provide additional estimates. Across these checks, the disparity in criminal dismissal rates remains more robust than the corresponding disparity in allowance rates.

7.1 Classification of Judges and Petitioners

Our main specification assigns to each case the religion of its first-listed judge. Restricting the sample to single-judge cases produces similar criminal outcome disparities: $+1.57$ percentage points for Dismissed (SE 0.64) and -1.45 percentage points for Allowed (SE 0.61). Alternatively, classifying a case as heard by a Muslim judge if any member of the bench is Muslim, or omitting judge religion from the specification altogether, changes the estimates by no more than 0.02 percentage points (Table 7). Our main sample also requires that a judge be identified for each case (Section 3). Re-estimating

Table 5 on all criminal cases with an e-Courts record that meet its other restrictions, whether or not a judge is identified, yields an Allowed gap of -1.23 percentage points (SE 0.36) and a Dismissed gap of $+1.47$ (SE 0.39), similar relative to the mean to the baseline estimates (Appendix Table A2, Panel C).

We also examine sensitivity to the classification of petitioner religion, which combines a surname dictionary with a machine-learning classifier (Section 3.1). Restricting the sample to petitioners whose religion is identified by the dictionary alone yields a criminal dismissal disparity of $+1.75$ percentage points (SE 0.53) and an allowance disparity of -1.42 percentage points (SE 0.48), both close to the main estimates.

The gap could also be concentrated among high-caste Hindu judges. Assignment to these judges is close to balanced: Muslim petitioners are 1.0 percentage point less likely than other petitioners to be assigned a high-caste Hindu judge (SE 0.5), a difference that is not statistically significant without district fixed effects. Appendix Table A9 reports the gap separately before high-caste Hindu and other non-Muslim judges. The criminal Dismissed gap is somewhat larger before high-caste judges (a difference of 1.43 percentage points, SE 1.07; randomization-inference $p = 0.09$), but the other outcomes and an alternative coding of judges whose caste we could not verify show no consistent pattern.

7.2 Representation and Case Composition

Because Muslim petitioners disproportionately retain Muslim advocates (Section 4), the observed disparities could partly reflect differences in legal representation. Appendix Table A7 examines this possibility in criminal cases. Controlling for advocates' caseloads and experience leaves the estimates essentially unchanged. Including advocate fixed effects, which compare Muslim and non-Muslim clients represented by the same advocate, yields a Dismissed gap of $+1.79$ percentage points (SE 0.51) and an Allowed gap of -1.49 percentage points (SE 0.47). Because advocates are identified by name, some records may combine multiple individuals. Excluding short names, common surnames, or the 1% of advocate names associated with the largest caseloads leaves the Dismissed gap between $+1.62$ and $+1.73$ percentage points and the Allowed gap between -0.97 and -1.85 percentage points. These results suggest that observable advocate characteristics and differences across advocates do not account for the criminal outcome disparities.

The High Court records do not identify the specific offenses underlying criminal proceedings, raising the possibility that the observed disparities reflect differences in the types of cases brought by Muslim and non-Muslim appellants. Appendix Table A8 examines the sensitivity of our estimates to more detailed controls for case composition. Column 2 introduces fixed effects for the High Court's filing categories, which distinguish 72 categories rather than the 17 broader case groups used in our main

specification. The criminal Dismissed gap remains similar, declining from $+1.86$ to $+1.63$ percentage points, while the Allowed gap falls by approximately half, to -0.61 percentage points ($p = 0.15$). Differences in filing-category composition may help explain this attenuation. For example, appeals under the SC/ST Act have allowance rates of 26–49%, compared with approximately 12% for criminal appeals overall, but Muslim petitioners account for only about 8% of these appeals, compared with 11.5% of criminal appeals overall.

Columns 3 and 4 further examine geographic variation by introducing police-station fixed effects, comparing cases originating from the same police station. The criminal Dismissed gap remains $+1.58$ percentage points ($p = 0.01$), while the Allowed gap falls to -0.15 percentage points. However, police-station information is available for only 65% of criminal cases, and for a smaller share of cases involving Muslim petitioners (60%). These estimates therefore apply to a selected subsample and should not be interpreted as directly comparable to the full-sample results. In civil cases, the positive Muslim petitioner association with allowance also attenuates with filing-category fixed effects, declining from $+1.00$ to $+0.39$ percentage points ($p = 0.16$; not reported in the table).

For a subset of criminal cases, we can observe the underlying offense directly. We link High Court cases to district-court records using references to the originating proceedings, which report offense categories (Ash, Asher, et al. 2025; Appendix B). Of the criminal cases in our sample, 3,481 can be linked to district-court records (including 421 involving Muslim petitioners), and 2,768 of these have an identifiable offense category. Appendix Table A10 re-estimates the outcome disparities using this linked sample. These cases are not representative of the full criminal docket: they consist disproportionately of single-judge appeals, bail matters, and SC/ST Act cases, and their allowance rate is approximately two and a half times that of criminal cases overall. The magnitude of the estimated disparities is therefore not directly comparable to Table 5.

Within the linked sample, adding offense-category fixed effects reduces the Dismissed gap from $+4.52$ to $+4.01$ percentage points (SE 2.38). The Allowed gap also attenuates, primarily with the inclusion of finer filing-category fixed effects, consistent with the full-sample results. Although the estimates are imprecise, the limited change in the dismissal coefficient suggests that observed offense categories do not account for much of the disparity within this selected sample. However, the small sample and limited precision prevent us from ruling out a larger role for differences in case composition.

7.3 Resolution and Delay

Our main specifications treat pending cases as neither allowed nor dismissed (Section 3). To examine whether selection into case resolution affects the estimated disparities, we estimate Heckman selection models in which the probability of resolution depends on the assigned judge's leave-one-out resolution rate, drawing on the judge-leniency approach of Dobbie, Goldin, and Yang (2018). This approach

assumes that judges' resolution propensities affect the likelihood that a case is resolved but do not independently affect its outcome, conditional on the included controls. Appendix Table A11 reports estimates using the same sample as Table 5. For Allowed, the estimated Muslim petitioner disparity is -1.99 percentage points in criminal cases (SE 0.66) and $+1.32$ percentage points in civil cases (SE 0.42), compared with -1.27 and $+1.00$ in the main specification. The estimated correlations between the selection and outcome errors are small ($\rho = -0.05$ and -0.02). The criminal allowance disparity therefore remains negative under this selection model, although its interpretation depends on the model's assumptions. The corresponding criminal dismissal model fails to converge, with the estimated error correlation approaching its boundary ($\rho \to 1$), preventing a reliable selection-adjusted estimate for that outcome.

Disparities may also arise in how long cases take to resolve rather than in their final outcomes. Appendix Table A3 examines this possibility using Cox proportional hazards models of time to resolution and regressions of the number of hearings. Before non-Muslim judges, we find little evidence of differences in resolution rates between cases brought by Muslim and non-Muslim petitioners, in either criminal (log hazard ratio -0.015, SE 0.019) or civil proceedings (0.011, SE 0.012). Differences in the number of hearings are also small, at approximately 2% or less. Similarly, we find no statistically significant religious matching interactions in time to resolution before Muslim judges (criminal: -0.001, SE 0.090; civil: 0.015, SE 0.049).

8 Discussion

Our central finding is that Muslim petitioners experience less favorable outcomes in criminal proceedings before the Patna High Court, yet these disparities cannot readily be explained by the religious identity of the assigned judge. Although our pooled estimates provide little evidence of systematic religious matching effects, the separate criminal outcomes reveal a more complicated pattern: Muslim judges are less likely to allow or dismiss cases involving Muslim petitioners, relative to non-Muslim petitioners, with more cases recorded as disposed without a specified outcome. Given the small number of Muslim judges, these patterns do not establish a general tendency toward either in-group favoritism or harsher treatment. Our findings contrast with evidence of co-ethnic favoritism among Kenyan judges (Choi, Harris, and Shen-Bayh 2022; Chen, Graham, et al. 2023) and complement the district-court evidence of Ash, Asher, et al. (2025), which finds no systematic religious in-group favoritism among Indian judges. Together, these studies suggest that religious disparities in judicial outcomes need not be accompanied by robust evidence of religious matching effects.

The absence of robust evidence of religious matching effects does not imply equal treatment of Muslim and non-Muslim appellants. A research design that compares outcomes across judges cannot detect forms of differential treatment shared by judges of different religions. The disparity we document is

observed before both Muslim and non-Muslim judges, although the estimates for Muslim judges are less precise. Its origins may therefore lie in institutional practices common across judges, differences in the cases reaching the High Court, or other features of the judicial process that our data cannot observe.

India's legal pluralism provides an important context for interpreting these findings. Religious personal laws govern aspects of family relations, marriage, and inheritance, making religious identity directly relevant to certain legal proceedings (Ghosh and Chakrabarti 2021; Subramanian 2014). This institutional setting may help explain the substantial religious sorting we observe between petitioners and advocates (Section 4), although the persistence of sorting in criminal cases suggests that specialization in personal law cannot fully account for it. Religious identity may also shape social networks, trust, and access to legal representation beyond cases in which religion is formally relevant. Our data cannot distinguish among these mechanisms, but they suggest that religious identity may matter at multiple stages of the legal process, not only through the identity of the judge.

Several limitations qualify our findings. Most importantly, the disparities we document cannot, on their own, establish discrimination. First, our ability to control for underlying criminal offenses is limited. The High Court records do not identify the relevant statutes or legal provisions, and we recover offense categories for only about 2,800 criminal cases through links to district-court records, a selected 5% of our criminal sample. Filing-category and police-station fixed effects, together with offense-category controls in the linked sample, substantially attenuate the Allowed gap but leave the Dismissed gap comparatively stable. Nevertheless, Muslim and non-Muslim appellants may differ within these categories in the severity of charges, strength of evidence, or other unobserved case characteristics.

Second, our analysis of judge–petitioner religious matching cannot identify forms of differential treatment shared across judges. Because the design compares outcomes before Muslim and non-Muslim judges, a disadvantage imposed on Muslim appellants by judges of both religions would not necessarily appear in the interaction estimates. Third, selection into the High Court may differ by religion. Muslims are underrepresented among criminal petitioners relative to their population share, and those who appeal may differ systematically from those who do not in their resources, legal representation, or the merits of their cases. Moreover, advocate religion exhibits some imbalance across assigned judges, and advocates are identified by name rather than unique identifiers. We therefore interpret the advocate-related findings descriptively.

Finally, the observed disparities may reflect processes operating throughout the criminal justice system rather than differential treatment at the High Court itself. Differences in policing, prosecution, lower-court decisions, and the selection of cases for appeal may all contribute to the outcomes we observe. Recent research distinguishes discrimination by individual decision-makers from systemic

discrimination that can accumulate across stages of an institutional process (Bohren, Hull, and Imas 2025), and shows how the quasi-random assignment of judges can be used to measure disparate impact when the merits of cases are unobserved (Arnold, Dobbie, and Yang 2018; Arnold, Dobbie, and Hull 2022). Identifying these mechanisms would require following cases from their initial entry into the criminal justice system through the appellate process, including cases that are never appealed. Our linked district-court records cover only cases that reached the High Court and often identify the bail order under review rather than the underlying trial. Extending these links to the full population of district-court criminal cases, allowing appeal rates and subsequent outcomes to be compared across religious groups, is therefore an important direction for future research.

9 Conclusion

Drawing on nearly 200,000 cases from the Patna High Court, we document substantial religious differences in legal representation and judicial outcomes. Muslims are underrepresented among criminal petitioners and disproportionately retain Muslim advocates, while Muslim criminal appellants are more likely than non-Muslim appellants to have their appeals dismissed. Yet we find limited robust evidence that these disparities are systematically associated with judges' religious identities. Our findings highlight the distinction between disparities in judicial outcomes and differential treatment associated with judge–litigant religious matching. Understanding the origins of these disparities requires looking beyond the High Court to the processes through which cases move from policing and lower-court proceedings to appellate review.

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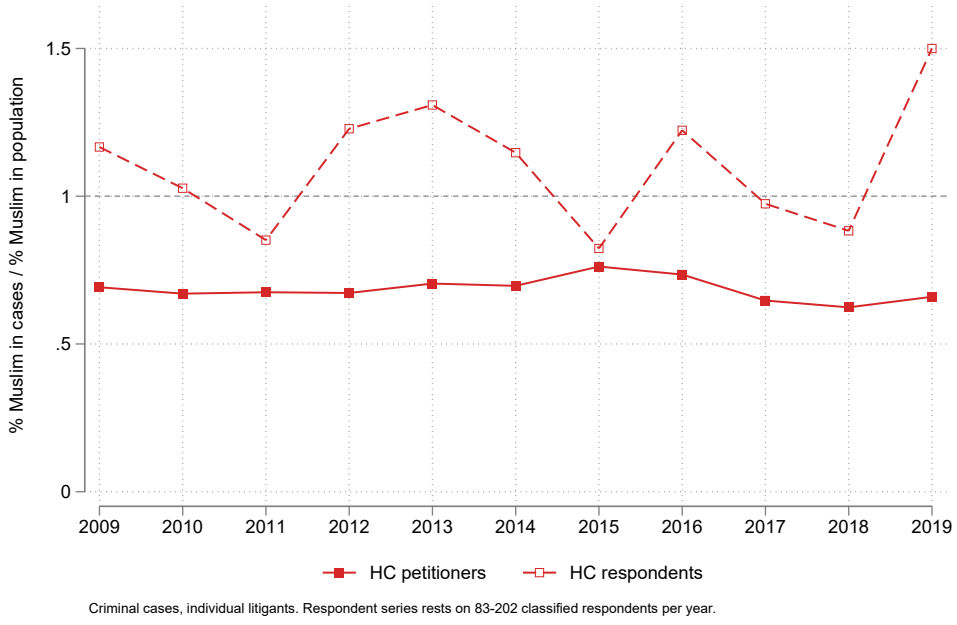
Tables and Figures

Table 1: Summary statistics

	Civil	Criminal	All
Muslim petitioner	0.087	0.114	0.096
Muslim advocate	0.045	0.061	0.050
Muslim respondent	0.097	0.210	0.102
Non-Muslim judge	0.950	0.962	0.954
Muslim judge	0.050	0.038	0.046
Decided by end of data	0.741	0.573	0.688
Allowed	0.080	0.116	0.091
Dismissed	0.192	0.180	0.188
Withdrawn	0.053	0.080	0.061
Rejected	0.003	0.011	0.006
Cases	134,954	62,353	197,307

Notes: Shares of cases. Cases filed at the Patna High Court, 2009–2019, excluding cases with a government petitioner. Religion of the first-listed judge. Cases with the religion of the petitioner and of the judge classified (Appendix Table A1). Outcomes are defined over all cases, so cases pending at the end of the data count as neither allowed nor dismissed.

Figure 1: Muslim representation in High Court criminal cases, 2009–2019



Notes: Muslim share of individual petitioners and respondents in criminal cases filed in each year that have an e-Courts record and a listed judge, divided by the Muslim share of Bihar's population (Census 2011). A value of 1 indicates representation equal to population share.

Table 2: Muslim representation in criminal cases relative to population share

Panel A. District courts, by offense (Ash et al. data and classifier)

	(1) India, Def.	(2) Bihar, Def.
Murder	0.950	0.807
Sexual assault	1.150	1.100
Violent crimes causing hurt	0.994	0.824
Violent theft/dacoity	1.370	0.930
Crimes against women	1.360	1.230
Disturbing public health/safety	1.150	0.703
Property crime	1.170	0.929
Trespassing	1.010	1.100
Marriage offenses	1.620	1.430
Petty theft	1.270	0.957
All other crimes	0.960	0.885
Total	1.030	0.893
Observations	18,279,972	1,513,658

Panel B. Patna High Court, all criminal cases (surname coding)

	Ratio	Observations
Individual respondents	1.082	1,643
Individual petitioners	0.679	62,353

Notes: Each cell is the Muslim share of litigants in the cases described, divided by the Muslim share of the population (Census 2011: 14.2% for India, 16.9% for Bihar). Panel A uses the district-court data and religion classifier of Ash, Asher, et al. (2025): column 1 reproduces their Table 1 for India, and column 2 applies the same calculation to Bihar. Panel B is criminal cases at the Patna High Court with an e-Courts record and a listed judge (Appendix Table A1), with individual litigants, including cases with a government petitioner, using the surname coding of Section 3.1; the High Court records do not report the offense, so only totals are shown. Def. = defendants or respondents.

Table 3: Petitioner religion and the religion of the filing advocate

	(1) All	(2) All	(3) All	(4) Civil	(5) Criminal
Muslim petitioner	0.185	0.177	0.176	0.186	0.159
	(0.005)	(0.005)	(0.005)	(0.005)	(0.007)
Mean of outcome	0.050	0.050	0.050	0.045	0.061
Fixed effects	None	District	District × year, case type	District × year, case type	District × year, case type
Observations	192,264	192,218	192,205	130,902	61,278

Standard errors in parentheses

Outcome: petitioner's filing advocate is Muslim. Muslim petitioners are 9.6% of classified petitioners; Muslims are 16.9% of Bihar's population (Census 2011).

Notes: Linear probability models. Outcome: the petitioner's filing advocate is Muslim. Cases with the religion of the petitioner and of the advocate classified and a recorded district; the judge's religion is not required. Columns with fixed effects drop cases that are alone in a fixed-effect cell. Standard errors clustered by district-year.

Table 4: Balance of judge assignment

	With district FE	Without district FE
Panel A. Muslim petitioner		
Judge age	-0.017 (0.033)	-0.019 (0.034)
Recruited from bar	-0.002 (0.004)	-0.002 (0.004)
Transferred in	-0.002 (0.003)	-0.002 (0.003)
Years at court	-0.057 (0.033)	-0.061 (0.031)
Years permanent	0.008 (0.021)	0.002 (0.022)
Muslim judge	0.002 (0.002)	0.001 (0.002)
Joint test, judge characteristics: $\chi^2(5)$	5.50	5.98
p-value	0.358	0.308
Observations	184,985	184,985
Panel B. Muslim advocate (advocates are chosen, so balance is not expected)		
Judge age	0.104 (0.041)	0.096 (0.042)
Recruited from bar	-0.012 (0.005)	-0.012 (0.005)
Transferred in	0.007 (0.004)	0.007 (0.004)
Years at court	0.128 (0.043)	0.122 (0.043)
Years permanent	0.065 (0.031)	0.063 (0.030)
Muslim judge	0.003 (0.002)	0.003 (0.002)
Joint test, judge characteristics: $\chi^2(5)$	16.84	14.82
p-value	0.005	0.011
Observations	182,143	182,143

Notes: First order in each case, excluding cases with a government petitioner, for cases with a classified petitioner religion (and, in Panel B, advocate religion) and a judge whose age and tenure are known. Each cell reports the coefficient (standard error) from a separate regression of a characteristic of the first-listed judge on an indicator for a Muslim petitioner (Panel A) or a Muslim filing advocate (Panel B), with year and case-type (civil or criminal) fixed effects and, in the first column, district fixed effects. Standard errors clustered by district-year. The joint test is a Wald test of the five pre-determined judge characteristics (age, recruited from the Bar, transferred in, years at the court, years as a permanent judge), estimated jointly as seemingly unrelated regressions, distributed $\chi^2_{(5)}$ under the null.

Table 5: Case outcomes for Muslim and non-Muslim petitioners

	Allowed		Dismissed	
	(1) Criminal	(2) Civil	(3) Criminal	(4) Civil
Muslim petitioner	-0.0127	0.0100	0.0186	-0.0028
	(0.0046)	(0.0033)	(0.0050)	(0.0042)
Muslim advocate	-0.0076	0.0035	0.0033	0.0057
	(0.0058)	(0.0043)	(0.0066)	(0.0058)
Muslim judge	-0.0085	-0.0095	-0.0619	-0.0368
	(0.0091)	(0.0041)	(0.0100)	(0.0075)
Mean of outcome	0.116	0.080	0.179	0.193
Muslim gap, % of mean	-11.0	12.5	10.4	-1.5
Observations	61,285	130,908	61,285	130,908

Standard errors in parentheses

OLS. District, year and case-type fixed effects; standard errors clustered by district-year.

Judge religion is that of the first-listed judge; omitted category: non-Muslim judges.

Notes: Estimates of Equation 2, main sample (Appendix Table A1). Outcomes are defined over all cases; pending cases count as neither allowed nor dismissed. Case type is one of 17 case groups.

Table 6: Outcomes for Muslim and non-Muslim petitioners, by religion of the judge

	Allowed		Dismissed	
	Criminal	Civil	Criminal	Civil
Muslim minus non-Muslim petitioner, by religion of first-listed judge				
Non-Muslim judge	-0.0111 (0.0047)	0.0108 (0.0034)	0.0210 (0.0051)	-0.0030 (0.0043)
Muslim judge	-0.0510 (0.0152)	-0.0037 (0.0088)	-0.0375 (0.0232)	-0.0003 (0.0161)
In-group test: Muslim petitioner × Muslim judge	-0.0399 (0.0161)	-0.0145 (0.0093)	-0.0586 (0.0236)	0.0027 (0.0161)
95% CI	[-0.071, -0.008]	[-0.033, 0.004]	[-0.105, -0.012]	[-0.029, 0.034]
Randomization-inference p	0.014	0.147		
Mean of outcome	0.116	0.080	0.179	0.193
Observations	61,285	130,908	61,285	130,908

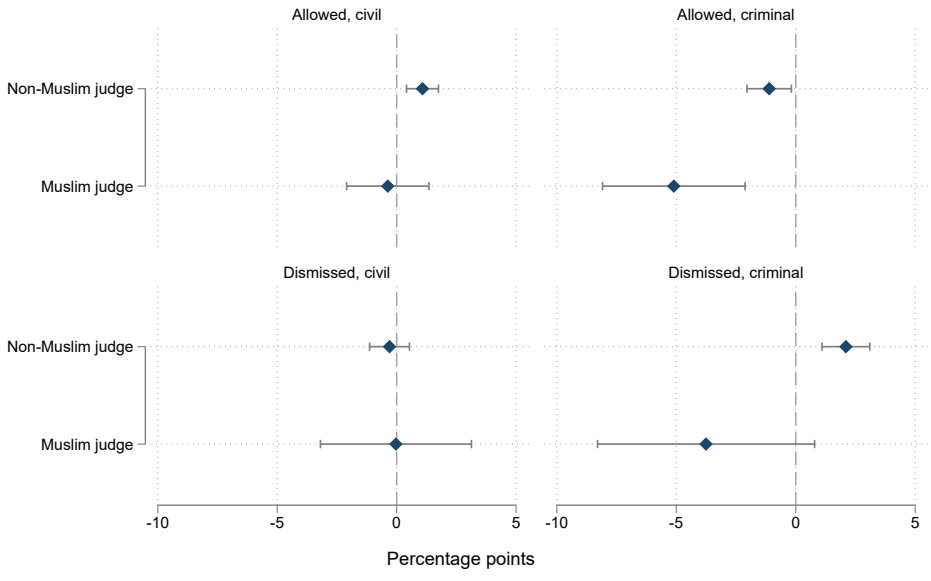
Notes: The first two rows report the difference between Muslim and non-Muslim petitioners before non-Muslim and Muslim first-listed judges; the in-group test is their difference, the coefficient δ in Equation 3. OLS with district, year, and case-type fixed effects, controlling for advocate religion; standard errors (in parentheses) clustered by district-year. Randomization-inference p-values permute judge religion within year-by-case-group strata (1,000 permutations).

Table 7: Robustness of the difference in outcomes for Muslim petitioners

	Allowed		Dismissed	
	Criminal	Civil	Criminal	Civil
Baseline (Table 5)	-0.0127 (0.0046)	0.0100 (0.0033)	0.0186 (0.0050)	-0.0028 (0.0042)
Observations	61,285	130,908	61,285	130,908
Single-judge cases only	-0.0145 (0.0061)	0.0131 (0.0046)	0.0157 (0.0064)	-0.0036 (0.0050)
Observations	33,884	81,262	33,884	81,262
Muslim judge anywhere on the bench	-0.0127 (0.0046)	0.0100 (0.0033)	0.0187 (0.0050)	-0.0028 (0.0042)
Observations	61,285	130,908	61,285	130,908
Religion from surname dictionary only	-0.0142 (0.0048)	0.0098 (0.0035)	0.0175 (0.0053)	-0.0022 (0.0044)
Observations	58,557	121,280	58,557	121,280
No judge-religion control	-0.0127 (0.0046)	0.0100 (0.0033)	0.0186 (0.0050)	-0.0030 (0.0042)
Observations	61,285	130,908	61,285	130,908
Change in gap, cases filed 2014 or later	-0.0108 (0.0098)	-0.0097 (0.0063)	-0.0174 (0.0104)	-0.0116 (0.0082)
Observations	61,285	130,908	61,285	130,908

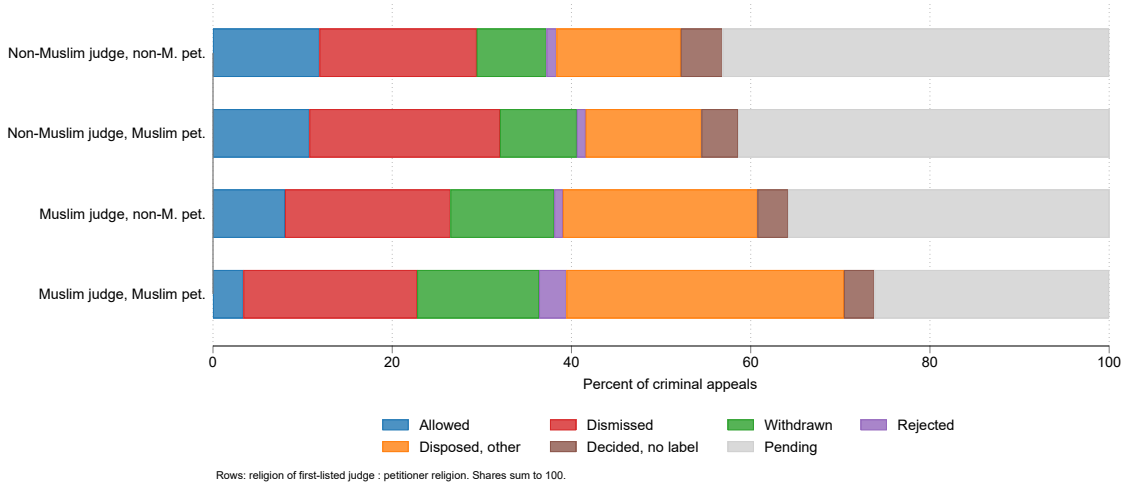
Notes: Each row re-estimates the Muslim-petitioner coefficient of Table 5 with one change. Single-judge cases: cases heard by one judge only. Muslim judge anywhere on the bench: judge religion coded Muslim if any judge on the bench is Muslim. Religion from surname dictionary only: drops petitioners whose religion comes from a first-name marker or the classifier. The last row reports the coefficient on Muslim petitioner × filed in 2014 or later. Standard errors, clustered by district-year, in parentheses.

Figure 2: Difference in outcomes for Muslim petitioners, by religion of the judge



Notes: Estimates from Table 6, with 95% confidence intervals.

Figure 3: Status of criminal appeals by religion of petitioner and judge



Notes: Distribution of criminal appeals across case statuses at the end of our data, by religion of the first-listed judge and of the petitioner. Raw shares, without fixed effects.

A Inferring Religion from Names

Since our data lack official religion markers for litigants, lawyers and judges, we infer the religion of individuals mentioned in court records from their names. We combine two sources: a machine learning classifier specifically tailored to the state of Bihar, and a dictionary of the most common surnames in our data, coded by hand.[14]

A.1 A Classifier Trained on Bihar Names

To build the classifier, 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".[15] The algorithm extracts groups of 1 to 4 characters (including white spaces) from the names, stores them 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.[16]

A.2 A Hand-Coded Surname Dictionary and the Coding Rule

A classifier assigns a prediction to every name, including surnames that are common in both communities, and its errors weigh most heavily on the names that appear most often. We therefore coded by hand the 500 most common surnames in our data as Hindu, Muslim, or ambiguous. These surnames cover 92% of petitioners in our analysis sample. Surnames used by both communities, such as *Mallik*, are coded as ambiguous.

We assign religion in three steps. First, a name whose surname is in the dictionary and coded Hindu

[14] In a recent paper, Ash, Asher, et al. (2025) 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.

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

[16] 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 in the various metrics, producing an accuracy of around 91%. For this and for their simplicity, we relied on logistic regression to make the prediction out of the sample based on feature vectors.

or Muslim takes that code. Second, any other name is coded Muslim if its first name carries an unambiguous marker (such as *Md.*, *Mohammad*, *Khatoon*, *Bibi*, *Begum*, *Sheikh*, or *Syed*). Third, names with an ambiguous dictionary surname and no marker are set to missing, and the classifier is used only for the remaining names, whose surnames are not in the dictionary. Among petitioners coded Muslim, 69% are coded from the dictionary, 20% from a first-name marker, and 11% by the classifier.

A.3 Validation

The two methods largely agree. Of the 20,268 petitioners the classifier codes as Muslim, the dictionary confirms 18,718 (92%), recodes 722 as non-Muslim, and sets 828 to missing because their surnames are ambiguous; it also recodes 284 petitioners from non-Muslim to Muslim. Recoding changes the religion of no judge. The classifier performs worse on names it was not designed for. Among 24,744 litigant names in the district-court cases linked to High Court appeals, only 43% of the names it codes as Muslim are Muslim by the dictionary, against 96% for an off-the-shelf name classifier (Table A12 and Figure A5). This is why we rely on the dictionary wherever it applies. Our main results are unchanged when we restrict the sample to names coded by the dictionary alone (Section 7).

To further validate the predictions of religion and caste that emerge from these methods, we also conducted 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 the 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).

A.4 Caste

We use similar methods to draw inferences about caste identities. The full details of our approach are described in a separate paper (Bhupatiraju et al. 2024). In summary, we analyze Hindu names featured in the Bihar Socio-Economic Caste Census (SECC) data, which include self-reported caste information for each name.[17] This allowed us to map most of the surnames to specific caste categories. We created a separate category for caste-neutral names that were difficult to categorize. We group

[17] Our surveys lack self-reported caste information from Muslims, precluding any inference of caste from Muslim names. However, it is 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. Although Muslims are by no means a monolithic group, they are grouped together in official political, economic, and institutional contexts, and thus we group them in this analysis.

these names into two distinct categories – high caste names that have historically been unambiguously associated with high status in Bihar, and all others that are either ambiguous or associated with a marginalized status in this context. In this paper, caste enters only through the judges, and we verified the caste of judges by hand where names alone were not decisive (Appendix Table A9).

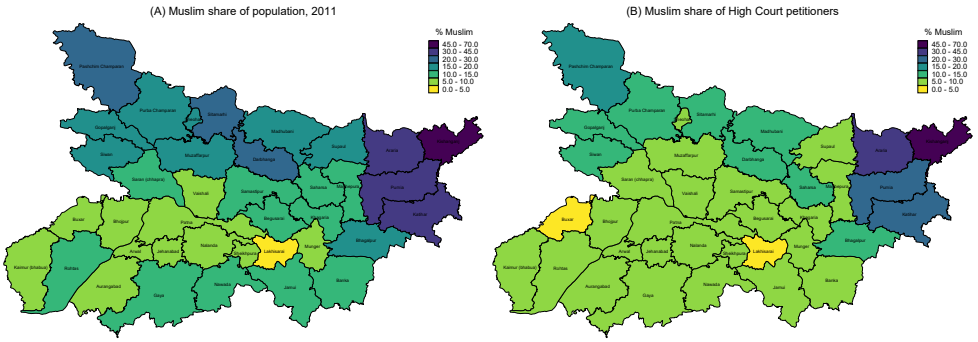
B Linking High Court Cases to District-Court Records

Each High Court case in the e-Courts records reports the lower-court case it arises from: its type, number, year and, usually, the date of the lower-court order. We parse this reference and match it to the e-Courts records of Bihar's district courts. A High Court case is linked in one of two ways. In the first, a single district-court case in the same district has the same number, year and decision date. In the second, the decision date does not match or is missing, and we require that exactly one district-court case with the same number, year and district has party names that match the High Court case (a Jaro–Winkler similarity of at least 0.925 after standardizing titles, honorifics and common spelling variants), and that the district-court decision is not more than 45 days earlier than the order recorded by the High Court. We calibrated the name threshold on the links of the first kind, where it recovers 77.5% of true pairs for Muslim petitioners and 76.6% for non-Muslim petitioners, with a false-match rate below 0.5%.

The reference can be parsed for cases filed from 2012 onward. In total, 4,652 High Court cases are linked: 12.5% of cases brought by Muslim petitioners and 12.2% of those brought by non-Muslim petitioners. We checked 80 links by hand, drawn at random within groups defined by the matching rule, comparing the parties, dates and case details in the two records; all 77 of them that these rules accept were correct. Linked criminal cases are concentrated among single-judge appeals, bail matters and SC/ST Act cases, and the linked district-court record is often the bail order under review rather than a trial. We therefore use the link only to recover the offense category (Appendix Table A10).

C Additional Tables and Figures

Figure A1: Muslim population and Muslim High Court petitioners by district



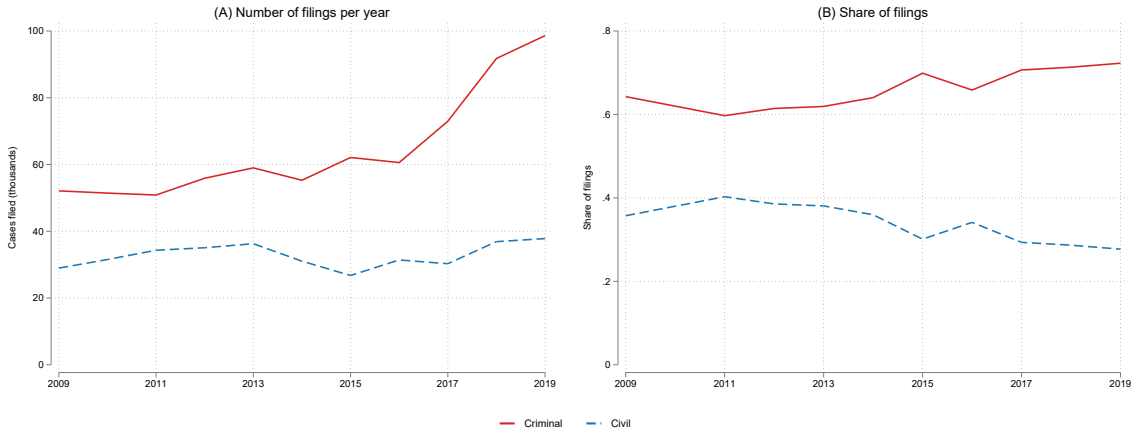
Notes: Panel A: Muslim share of the population, Census of India 2011 (Table C-01, population by religious community). Panel B: share of individual petitioners with Muslim names in cases filed at the Patna High Court, by district of origin, 2009–2019; districts with more than 100 such cases.

Table A1: From scraped case records to the analysis samples

	Criminal	Civil	All	% criminal	% Muslim petitioner
Case records scraped from the Patna High Court website	1,386,044	776,897	2,162,941	64.1	10.6
Filed 2009–2019	711,756	361,353	1,073,109	66.3	11.1
Unique case numbers	710,636	360,432	1,071,068	66.3	11.1
With an e-Courts record (CNR number)	89,184	207,265	296,449	30.1	9.7
... and a judge listed in the court's orders	66,632	160,308	226,940	29.4	9.6
Excluding cases with a government petitioner	66,192	155,270	221,462	29.9	9.6
... petitioner's and judge's religion classified (Table 1)	62,353	134,954	197,307	31.6	9.6
... advocate's religion classified	61,539	132,642	194,181	31.7	9.6
... district of origin recorded	61,326	130,938	192,264	31.9	9.6
... excluding singletons in the fixed effects: main sample (Tables 5–7)	61,285	130,908	192,193	31.9	9.6

Notes: Number of cases remaining after each step. Case type (criminal or civil) and the petitioner's name are recorded in the scraped High Court records for every case, so both shares are reported at every step. % Muslim petitioner is among petitioners whose religion is classified (Section 3.1). The fall in the criminal share at the e-Courts step reflects e-Courts coverage, which is 57.5% for civil and 12.5% for criminal cases (Section 3). Table 1 uses the sample after the religion of the petitioner and judge is classified (every case with a classified petitioner also has a classified judge). Tables 5–7 use the main sample; a case alone in a cell of the district, year, or case-type fixed effects is dropped by the estimator. Table 2, Panel B, and Figure 1 also include cases with a government petitioner, counting individual litigants on each side.

Figure A2: Filings at the Patna High Court, 2009–2019



Notes: Panel A: number of criminal and civil cases filed per year. Panel B: share of filings by type. All 1,071,068 cases filed in 2009–2019 in the scraped records (Appendix Table A1, step 3).

Table A2: Selection into the sample by petitioner religion

Panel A. Cases with an e-Courts record

	With a record	Without a record	
Muslim share of petitioners (%), criminal	11.8	12.2	
Muslim share of petitioners (%), civil	8.7	8.8	
	Muslim petitioner (pp)	Rate (%)	Cases
All cases, no controls	-3.72 (0.47)	26.6	975,968
All cases, year × case type FE	-0.46 (0.21)	26.6	975,968
+ district and case-category FE	0.35 (0.09)	26.6	975,895
Criminal cases, year × case type FE	-0.33 (0.22)	12.6	663,894
Civil cases, year × case type FE	-0.82 (0.37)	56.4	312,074

Panel B. Judge listed, criminal cases with an e-Courts record

	Muslim petitioner (pp)	Rate, non-Muslim (%)	Cases
Filing year FE	-2.24 (0.54)	74.8	83,714
Filing year and filing-subject FE	-0.91 (0.40)	74.8	83,711
+ district FE	-0.55 (0.38)	74.8	83,669
+ district and disposition-status FE	-0.70 (0.37)	74.8	83,669
pending cases only (year, subject, district FE)	-1.15 (0.57)	60.4	44,460
decided cases only (year, subject, district FE)	-0.16 (0.45)	91.1	39,183

Panel C. Muslim gap in criminal outcomes (pp), with and without the judge requirement

	Allowed	Dismissed	Cases
Table 5 sample (main estimates)	-1.27 (0.46)	1.86 (0.50)	61,285
Table 5 sample, no judge-religion control	-1.27 (0.46)	1.86 (0.50)	61,285
All cases with a record, judge listed or not	-1.23 (0.36)	1.47 (0.39)	82,360
All cases with a record, decided cases only	-2.02 (0.65)	2.92 (0.78)	38,592

Notes: Panel A: cases filed in 2009–2019 (Appendix Table A1, step 3). Muslim shares are among petitioners whose religion is classified. Each row reports the coefficient on Muslim petitioner, in percentage points, from a linear probability model of having an e-Courts record; Rate is the share of all cases with a record. Panel B: criminal cases with an e-Courts record; linear probability models of a judge being listed in the court's orders; Rate is the share among non-Muslim petitioners. Panel C: the Muslim-petitioner coefficients of Table 5 (criminal cases), first on its sample, then on all criminal cases with an e-Courts record that meet its other restrictions, whether or not a judge is listed (without the judge-religion control). Standard errors in parentheses, clustered by district and filing year.

Table A3: Delay, and the characteristics of Muslim advocates

	Civil	Criminal
Panel A. Delay: Muslim minus non-Muslim petitioner		
Time to decision, log hazard ratio (Cox; > 0 = faster)		
Non-Muslim judge	0.011 (0.012)	-0.015 (0.019)
Muslim judge	0.025 (0.050)	-0.016 (0.088)
Difference (in-group test)	0.015 (0.049)	-0.001 (0.090)
Log number of hearings		
Non-Muslim judge	-0.017 (0.005)	0.008 (0.007)
Muslim judge	0.038 (0.028)	-0.009 (0.032)
Difference (in-group test)	0.055 (0.029)	-0.018 (0.033)
Panel B. Muslim advocates (all cases)		
Advocate experience (years)	-0.212 (0.021)	
Log advocate caseload	-0.319 (0.021)	
Judge age, no controls	0.074 (0.039)	
Judge age, advocate controls	0.074 (0.038)	
Judge years permanent, no controls	-0.003 (0.034)	
Judge years permanent, advocate controls	0.002 (0.034)	

Notes: Panel A: Cox models of the time from filing to decision (coefficients are log hazard ratios; positive values mean faster decisions) and OLS regressions of the log number of hearings, reporting the difference between Muslim and non-Muslim petitioners by religion of the first-listed judge. Panel B: regressions of advocate characteristics, and of the characteristics of the assigned judge, on an indicator for a Muslim advocate. All models include district, year, and case-type fixed effects; standard errors clustered by district-year.

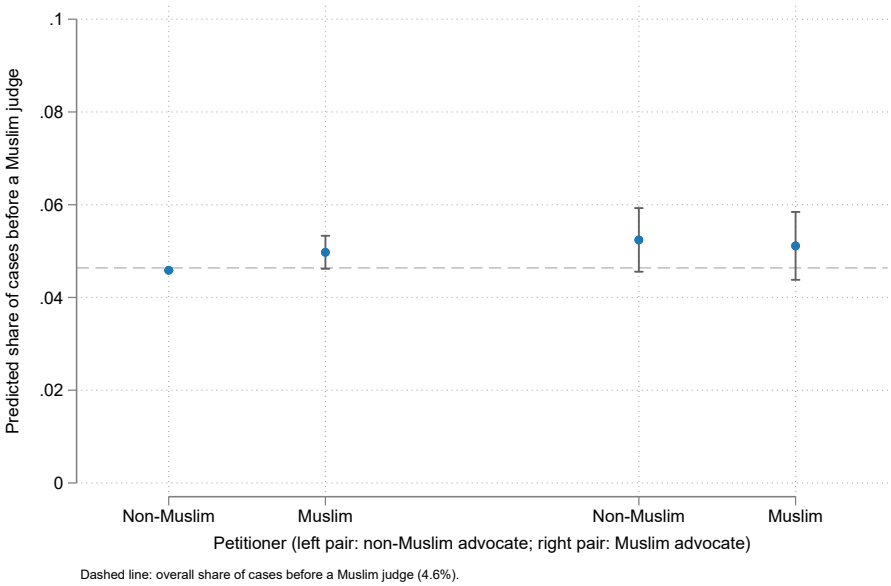
Table A4: Assignment to a Muslim judge by religion of petitioner and advocate

	(1) Muslim judge
Muslim petitioner	0.0039
	(0.0018)
Muslim advocate	0.0066
	(0.0035)
Muslim petitioner $\times$ Muslim advocate	-0.0052
	(0.0053)
Mean of outcome	0.046
Observations	192,216

Standard errors in parentheses

OLS. District, year and case-type fixed effects. SEs clustered by district-year.

Figure A3: Predicted probability of a Muslim judge by religion of petitioner and advocate



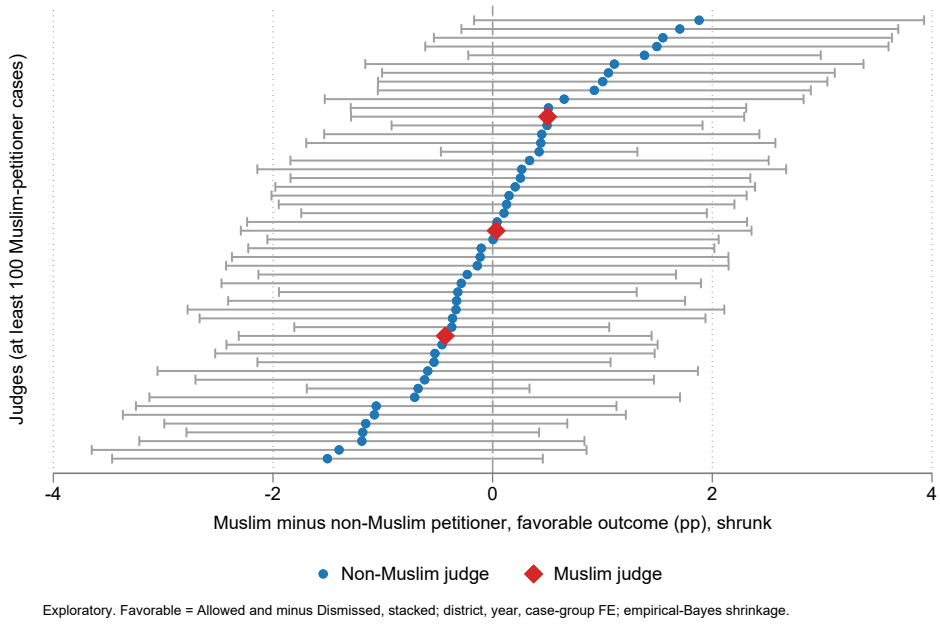
Notes: Predicted probabilities from the regression in Table A4, with 95% confidence intervals.

Table A5: Pooled test of in-group bias

Muslim petitioner × Muslim judge, favorable outcome (pp)	Estimate (SE)	95% CI	p	MDE (80%)	Cases
Pooled (primary)	-0.30 (0.86)	[-2.00, 1.39]	0.728	2.42	192,193
Randomization-inference p (300 permutations)			0.700		
Criminal Allowed	-3.99 (1.61)	[-7.14, -0.84]	0.013	4.50	61,285
Civil Allowed	-1.45 (0.93)	[-3.29, 0.38]	0.120	2.62	130,908
Criminal -Dismissed	5.86 (2.36)	[1.23, 10.48]	0.013	6.61	61,285
Civil -Dismissed	-0.27 (1.61)	[-3.43, 2.90]	0.868	4.52	130,908
Simple average of four	0.04				
Exploratory					
bench (multi-judge	-0.25 (1.38)	[-2.95, 2.46]	0.859		192,193
sole judge	-0.14 (0.99)	[-2.08, 1.79]	0.885		192,193
sole minus bench	0.10 (1.67)	[-3.17, 3.37]	0.951		192,193

Notes: The favorable outcome equals Allowed and minus Dismissed, in percentage points. The pooled estimate stacks the four outcomes (criminal and civil, Allowed and Dismissed) with outcome-specific coefficients on Muslim petitioner, Muslim judge, and Muslim advocate and outcome-specific district, year, and case-group fixed effects, and a single common coefficient on Muslim petitioner × Muslim judge. A positive coefficient means Muslim judges treat Muslim petitioners more favorably, relative to non-Muslim petitioners, than non-Muslim judges do. Standard errors clustered by district-year. Randomization inference permutes judge religion within year-by-case-group strata. MDE: minimum detectable effect at 80% power and 5% two-sided significance (2.8× SE).

Figure A4: Difference in favorable outcomes for Muslim petitioners, by judge



Notes: One estimate for each of the 51 first-listed judges with at least 100 cases brought by Muslim petitioners: the difference between Muslim and non-Muslim petitioners in the favorable outcome (Table A5), with district, year, and case-group fixed effects, shrunk toward the mean by empirical Bayes, with 95% confidence intervals. Exploratory.

Table A6: Disputes between Muslim and non-Muslim private parties

	Allowed	Dismissed
Private disputes, relative to non-Muslim vs non-Muslim		
Muslim petitioner vs Muslim respondent	0.008	-0.021
	(0.015)	(0.020)
Muslim petitioner vs non-Muslim respondent	-0.004	-0.004
	(0.017)	(0.021)
Non-Muslim petitioner vs Muslim respondent	0.007	-0.005
	(0.018)	(0.020)

A further test, of the gap by the religion of the district judge, cannot be carried out: on links where the district-court record describes the decision under appeal (same decision date, or district-court disposal at most 45 days earlier), only 10 cases have both a Muslim petitioner and a Muslim district judge.

Notes: Civil and criminal cases pooled, with a private (non-government) respondent and classified petitioner and respondent religion. Coefficients on indicators for each combination of petitioner and respondent religion, relative to disputes between two non-Muslim parties, from OLS with district, year, and case-type fixed effects, controlling for the religion of both advocates and of the first-listed judge; standard errors clustered by district-year. Both tests were specified in advance (Section 6.2).

Table A7: Outcomes for Muslim petitioners and the filing advocate, criminal cases

	Panel A. Allowed, criminal cases					
	(a)	(b)	(c)	(c)-i	(c)-ii	(c)-iii
Muslim petitioner	-0.0127	-0.0127	-0.0149	-0.0097	-0.0185	-0.0177
	(0.0046)	(0.0046)	(0.0047)	(0.0059)	(0.0056)	(0.0052)
Mean of outcome	0.116	0.116	0.116	0.114	0.114	0.116
Muslim gap, % of mean	-11.0	-10.9	-12.8	-8.6	-16.3	-15.3
Observations	61,285	61,285	60,355	34,091	35,454	49,410
Advocate fixed effects	No	No	Yes	Yes	Yes	Yes

	Panel B. Dismissed, criminal cases					
	(a)	(b)	(c)	(c)-i	(c)-ii	(c)-iii
Muslim petitioner	0.0186	0.0180	0.0179	0.0162	0.0173	0.0171
	(0.0050)	(0.0050)	(0.0051)	(0.0070)	(0.0063)	(0.0056)
Mean of outcome	0.179	0.179	0.179	0.186	0.185	0.186
Muslim gap, % of mean	10.4	10.0	10.0	8.7	9.4	9.2
Observations	61,285	61,285	60,355	34,091	35,454	49,410
Advocate fixed effects	No	No	Yes	Yes	Yes	Yes

Notes: OLS, criminal cases. District, year, and case-type fixed effects; standard errors, clustered by district-year, in parentheses. All columns control for advocate religion and judge religion (first-listed judge). Advocates are identified by name. Column (b) adds log advocate caseload and advocate experience (years since the advocate's first case in the data, left-censored at 2009). Column (c) adds advocate fixed effects. Columns (c)-i to (c)-iii drop cases whose advocate name has two words or fewer, names ending in Kumar, Prasad, or Singh, and the top 1% of names by caseload, respectively.

Table A8: Outcomes for Muslim petitioners with finer controls for case mix, criminal cases

	(1)	(2)	(3)	(4)
Panel A. Allowed, criminal cases				
Muslim petitioner	-0.0127	-0.0061	-0.0066	-0.0015
	(0.0046)	(0.0042)	(0.0061)	(0.0058)
Mean of outcome	0.116	0.116	0.140	0.140
Muslim gap, % of mean	-11.0	-5.2	-4.7	-1.0
Observations	61,285	61,285	39,620	39,022
Case-category fixed effects	No	Yes	No	No
Police-station fixed effects	No	No	No	Yes
Panel B. Dismissed, criminal cases				
Muslim petitioner	0.0186	0.0163	0.0141	0.0158
	(0.0050)	(0.0049)	(0.0060)	(0.0062)
Mean of outcome	0.179	0.179	0.142	0.142
Muslim gap, % of mean	10.4	9.1	9.9	11.1
Observations	61,285	61,285	39,620	39,022
Case-category fixed effects	No	Yes	No	No
Police-station fixed effects	No	No	No	Yes

OLS, criminal cases. All columns include district, year and case-type fixed effects and control for advocate religion and judge religion (first-listed judge). Standard errors, clustered by district-year, in parentheses.

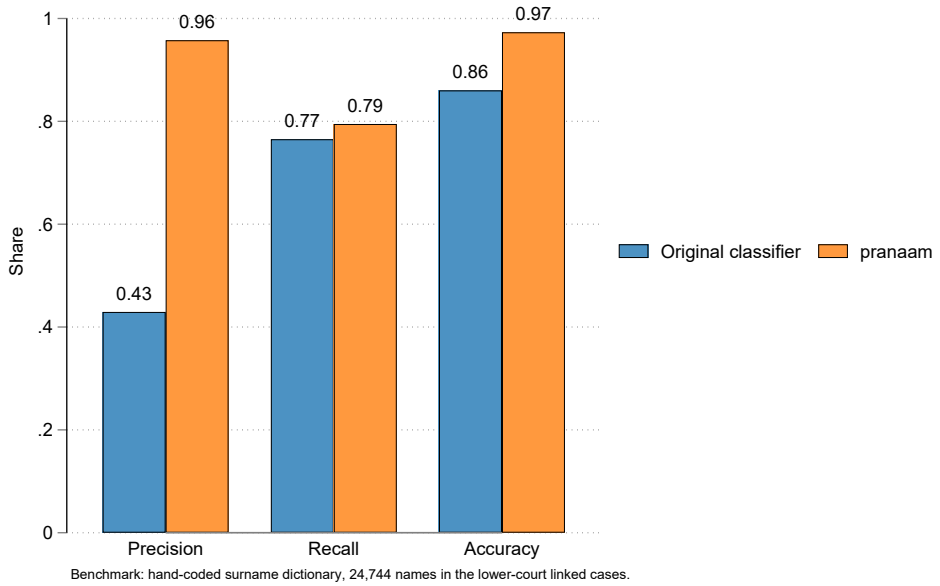
Case category is the High Court's filing subject label (72 values in criminal cases, including an empty label). Police station is recorded for about 65% of criminal cases (60% for Muslim petitioners, 65% for non-Muslim petitioners); columns (3) and (4) use those cases, and police stations are identified within district.

Table A9: Outcomes for Muslim petitioners, by caste of non-Muslim judges

	Allowed		Dismissed	
	Criminal	Civil	Criminal	Civil
Panel A. Main judge-caste coding				
Muslim gap, high-caste Hindu judge	-0.0025 (0.0082)	0.0106 (0.0053)	0.0296 (0.0083)	-0.0049 (0.0059)
Muslim gap, other non-Muslim judge	-0.0167 (0.0055)	0.0105 (0.0043)	0.0153 (0.0065)	-0.0022 (0.0062)
Muslim gap, Muslim judge	-0.0510 (0.0152)	-0.0040 (0.0088)	-0.0376 (0.0231)	-0.0007 (0.0161)
High-caste minus other	0.0142 (0.0096)	0.0001 (0.0067)	0.0143 (0.0107)	-0.0027 (0.0087)
High-caste minus Muslim	0.0485 (0.0174)	0.0145 (0.0103)	0.0672 (0.0251)	-0.0042 (0.0166)
Cases before high-caste / other judges			81,848 / 103,375	
Panel B. Alternative coding (all ten Singh judges, A. Prakash, R. R. Prasad, R. Ranjan as high-caste)				
Muslim gap, high-caste Hindu judge	-0.0005 (0.0054)	0.0111 (0.0039)	0.0229 (0.0059)	-0.0025 (0.0049)
Muslim gap, other non-Muslim judge	-0.0417 (0.0102)	0.0087 (0.0064)	0.0155 (0.0098)	-0.0064 (0.0085)
Muslim gap, Muslim judge	-0.0500 (0.0152)	-0.0044 (0.0088)	-0.0375 (0.0232)	-0.0013 (0.0161)
High-caste minus other	0.0411 (0.0117)	0.0025 (0.0074)	0.0074 (0.0114)	0.0039 (0.0097)
High-caste minus Muslim	0.0495 (0.0163)	0.0155 (0.0096)	0.0603 (0.0240)	-0.0012 (0.0164)
Cases before high-caste / other judges			134,144 / 51,079	
Randomization-inference p (1,000 permutations), main coding: high-caste minus other, criminal Dismissed = 0.091; high-caste minus Muslim, civil Allowed = 0.164.				

Notes: Differences between Muslim and non-Muslim petitioners before high-caste Hindu, other non-Muslim, and Muslim first-listed judges, and the differences between them. OLS with district, year, and case-type fixed effects, controlling for advocate religion; standard errors clustered by district-year. Judges are classified as high-caste Hindu if they are Brahmin, Bhumihar, Rajput, or Kayastha, or belong to the dominant forward castes of other states. All other non-Muslim judges, including those with caste-neutral surnames, those from trading or backward castes, one Scheduled Caste judge, and one Jain and one Christian judge, form the "other non-Muslim" group. We verified the caste of 32 judges by hand; the caste of thirteen could not be verified, ten of them with the surname Singh. Panel A classifies these thirteen as other non-Muslim; Panel B classifies them as high-caste.

Figure A5: Validation of name-based religion coding



Notes: See Table A12.

Table A10: Outcomes for Muslim petitioners and the offense, criminal cases linked to district-court records

	(1)	(2)	(3)	(4)	(5)	(6)
Panel A. Allowed, criminal cases						
Muslim petitioner	-0.0127	-0.0329	-0.0212	-0.0195	-0.0143	-0.0154
	(0.0046)	(0.0235)	(0.0221)	(0.0242)	(0.0223)	(0.0264)
Mean of outcome	0.116	0.295	0.296	0.327	0.327	0.364
Observations	61,285	3,481	3,477	2,771	2,768	2,092
Muslim petitioners	7,008	421	421	326	324	260
Panel B. Dismissed, criminal cases						
Muslim petitioner	0.0186	0.0442	0.0429	0.0452	0.0401	0.0493
	(0.0050)	(0.0202)	(0.0202)	(0.0227)	(0.0238)	(0.0280)
Mean of outcome	0.180	0.153	0.153	0.148	0.148	0.159
Observations	61,285	3,481	3,477	2,771	2,768	2,092
Muslim petitioners	7,008	421	421	326	324	260
Linked to district-court record	No	Yes	Yes	Yes	Yes	Yes
Filing-category fixed effects	No	No	Yes	Yes	Yes	Yes
Offense-category fixed effects	No	No	No	No	Yes	Yes
Same-decision-date links only	No	No	No	No	No	Yes

OLS, criminal cases. All columns include district, year and case-type fixed effects and control for advocate religion and judge religion (first-listed judge). Standard errors, clustered by district-year, in parentheses. Column (1) reproduces Table 5. Columns (2)–(6) use High Court cases linked to their district-court record; columns (4)–(6) use links whose district-court record has an offense category.

Table A11: Selection into resolution: Heckman selection models

	Allowed		Dismissed	
	Criminal	Civil	Criminal	Civil
OLS (Table 5)	-0.0127	0.0100	0.0186	-0.0028
	(0.0046)	(0.0033)	(0.0050)	(0.0042)
Heckman selection model	-0.0199	0.0132	n.c.	-0.0048
	(0.0066)	(0.0042)		(0.0052)
ρ	-0.051	-0.018		-0.110

Coefficient on Muslim petitioner. Outcome equation as in Table 5 (advocate and judge religion; district, year and case-type fixed effects). Selection equation: whether the case is decided, on the leave-one-out decision rate of the case's judges and the same regressors. Maximum likelihood; standard errors clustered by district-year. n.c.: the selection model did not converge.

Table A12: Validation of name-based religion coding

	Precision	Recall	Specificity	Accuracy	False Muslim	Missed Muslim
Original classifier	0.429	0.765	0.872	0.860	2,811	649
pranaam	0.958	0.795	0.996	0.973	97	567
Names evaluated	24,744 (of which 2,764 Muslim by hand coding)					

Notes: Benchmark: religion from the hand-coded surname dictionary for 24,744 litigant names in the district-court cases linked to High Court appeals. Precision: share of names coded Muslim that are Muslim. Recall: share of Muslims coded Muslim. Specificity: share of non-Muslims coded non-Muslim. The original classifier is the Bihar classifier of Appendix A; pranaam is an off-the-shelf name-based religion classifier.