



INDIA'S NEXT GENERATION PLATFORM FOR THE JUSTICE SYSTEM

A WHITE PAPER SERIES BY
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OVERVIEW

- The vision for a next generation **public platform** for the justice system and the principles which should underpin it.
- Legal framework necessary to make the vision a reality
- ICT implementation strategies

VISION

- The digitisation of the Indian judiciary has been successful under Phase II of the E-Courts Mission Mode Project
- However, Phase II must be seen as an essential step towards an ideal end state, rather than as a goal in itself
- This may be achieved through a "**Government as a Platform**" approach

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- A large, dense crowd of people is gathered on a beach, extending from the foreground into the distance towards the ocean. The people are dressed in casual summer attire. The background shows a clear sky and a distant shoreline with some structures.
- Citizens are forced to adapt to the processes and structures of public institutions, including the judiciary
 - They are dependent on lawyers and other intermediaries
 - Current laws that govern judicial processes are designed for paper-based processes, not their digital equivalents
 - Government as a Platform is an approach using ICT to make government citizen-centric

WHAT IS GOVERNMENT AS A PLATFORM?

- Having an **authoritative registry of data** is the key to Government as a Platform.
- Tom Loosemore, founder of the UK's Government Digital Service, describes Government as a Platform as **analogous to the layers of a city**

Bedrock

Infrastructure

Buildings

Services

Platforms

Independent Oversight

Data

WHAT IS GOVERNMENT AS A PLATFORM?

- **Platforms** are the infrastructure
- **Services** are built upon these
- **Uniform data registry** is the bedrock
- **Independent oversight** is necessary to ensure responsible use of data

Bedrock

Infrastructure

Buildings

Services

Platforms

Independent Oversight

Data



MODULARITY

The justice system consists of **multiple verticals** – the Judiciary, the Police, prison authorities, etc.

It must also cater to other user groups – e.g. litigants, lawyers

Each group has its own needs, duties, and tasks.

Modularity enables the customization of functionalities for each user group, built on **Platform Infrastructure**



OPEN STANDARDS

When there is consensus on guidelines for tasks and specifications for objects, they are **standards**

Open standards are

1. **Openly accessible**
2. **Free to use**
3. Set by a **process** that is
 1. **transparent,**
 2. **open to all stakeholders,**
 - and
 3. based on **consensus**



OPEN STANDARDS

Open Standards enable citizens to develop their own ways of engaging with the justice system

They enable **modularity**, by ensuring compatibility and preventing silos

They facilitate **innovation** and **adaptability**



OPEN DATA

Open Data fosters transparency and accountability

It broadens the scope for citizens' engagement with the justice system

Reduction in asymmetry of information increases efficiency, apart from other benefits



WHO ARE THE STAKEHOLDERS?



Citizens



**Judges and
court staff**



Lawyers



Police



Forensic Labs



Prisons



**Prosecutors and
government
lawyers**



**Investigation
agencies**



**Government
departments**



**ADR Fora –
conventional
and online**

WHAT SHOULD THE PUBLIC PLATFORM ACHIEVE?



Efficiency



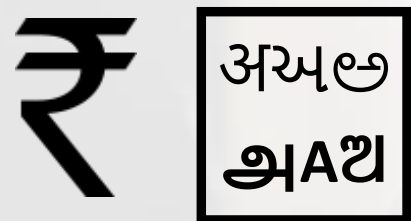
Privacy



Fairness



Security



Accessibility



Transparency



**Coordination
between agencies**



**Minimal
asymmetry of
information**

WHY DO WE NEED A LEGAL FRAMEWORK



- The current laws that govern judicial processes and their digital equivalents are outdated, being designed for paper-based processes
- There is a legislative vacuum regarding E-Courts project and relevant authorities
- Regulatory framework difficult for citizens to navigate

LEGISLATIVE MANDATE



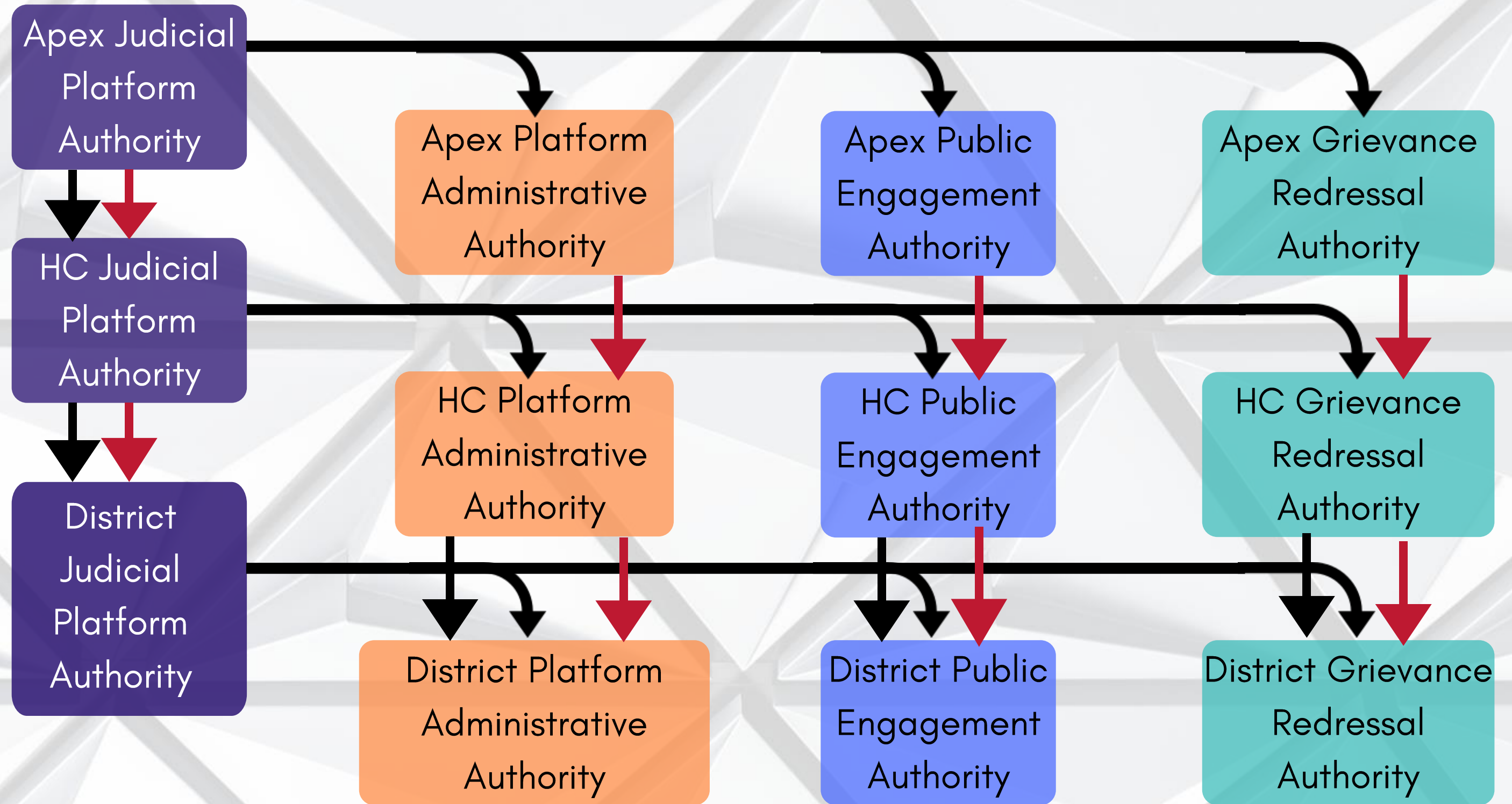
Laws and rules are necessary to achieve the following objectives:

- Mandating creation of platform and migration to it
- Granting justiciability to procedures and features of the platform
- Linking platform regulations to existing procedural law
- Providing legal recourse for violations
- Regulating the process of transition to the platform
- Giving legal backing to the standards adopted
- Implementing measurable performance standards for the platform, with rule-based reflection of non-performance

JUDICIAL PLATFORM AUTHORITIES



Colour Key:



PROTECTION AND RELEASE OF JUDICIAL DATA



- Rights-based protection framework
- Adapted to judiciary and judicial data
- Adapted to digital storage and access
- Open data by default
- Level of protection depends on many factors
 - Sensitivity
 - Grounds of usage
 - Granularity

OPEN DATA

AGGREGATE STATISTICS

All citizens

BULK ACCESS

All citizens

CASE-BY-CASE ACCESS

All citizens

IDENTIFICATION DATA

SENSITIVE CASE DATA

NON-JUDICIAL FIDUCIARIES

Prisons

Investigation
Agencies

JUDICIARY (Access limited by jurisdiction)

- Judges
- Registry

- Prisons
- Bailiffs

- Litigants
- Non-litigants
- Police
- Investigation agencies

- Judges
- Registry
- Bodies in charge of judicial appointments

IMPLEMENTATION CONSIDERATIONS



- Process re-engineering
- Phased rollout of functionalities, incremental changes
- Interdependencies of modules
- Private sector expertise and off-the-shelf solutions
- Pilot projects
- Stakeholder involvement and change management

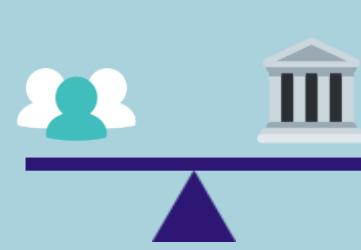
DISCUSSION

1. How would a legal framework for the platform be enacted?
2. Are the suggested provisions for privacy and transparency adequate?
3. How should process re-engineering be conducted?
4. What should be the change management strategy for the platform?
 - a. For judges and non-judicial court staff
 - b. For other stakeholders
5. Who should own this project?



APPENDIX

MAPPING PRINCIPLES TO SOLUTIONS



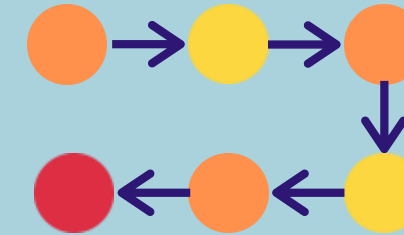
Minimal
asymmetry of
information



Government to
citizen technology
(G2C)



Ease of use



Interactive and
intuitive design



Accessibility



Multiple options for access -
multilingual, flexible

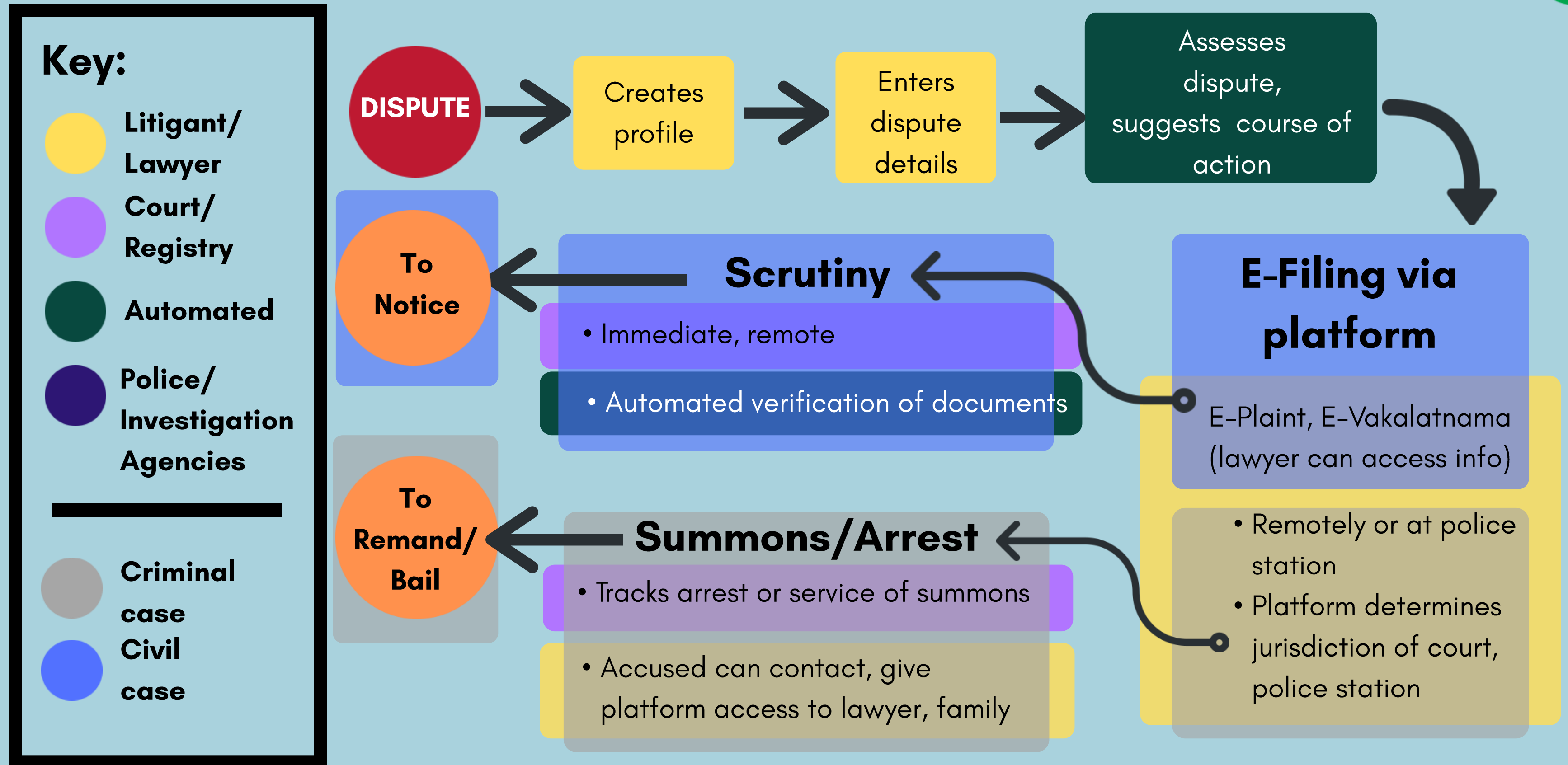


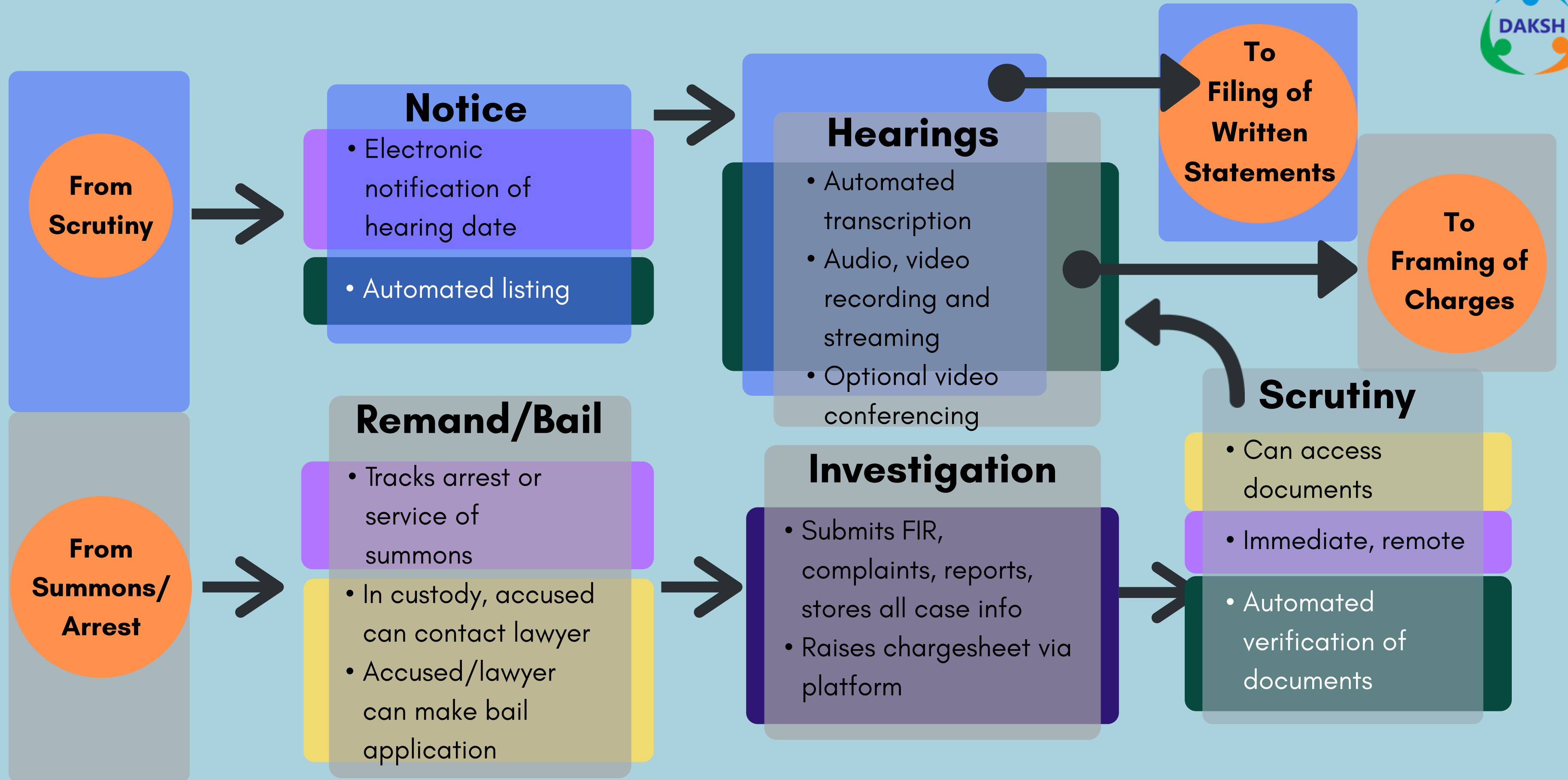
Intelligent
tools

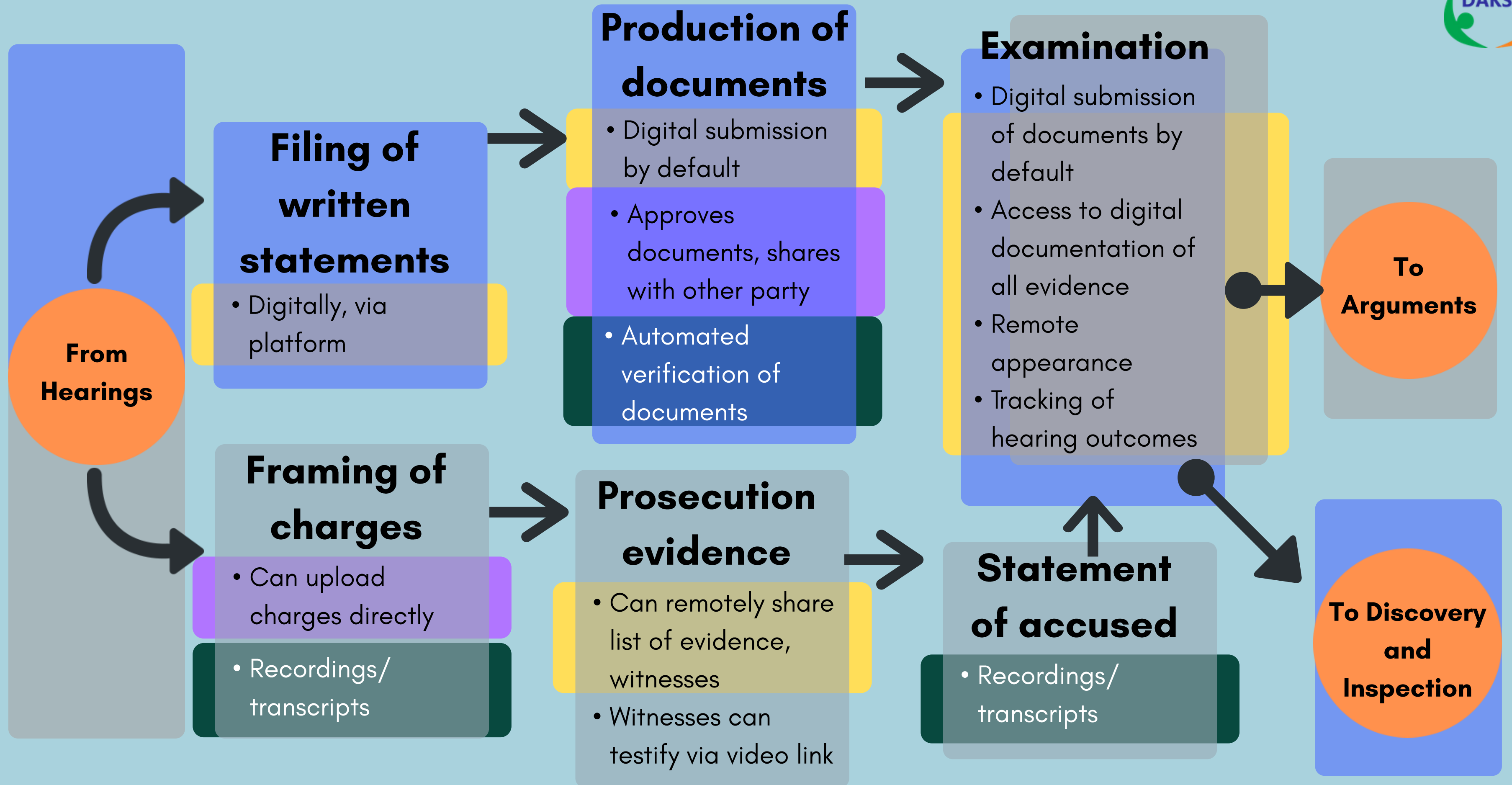


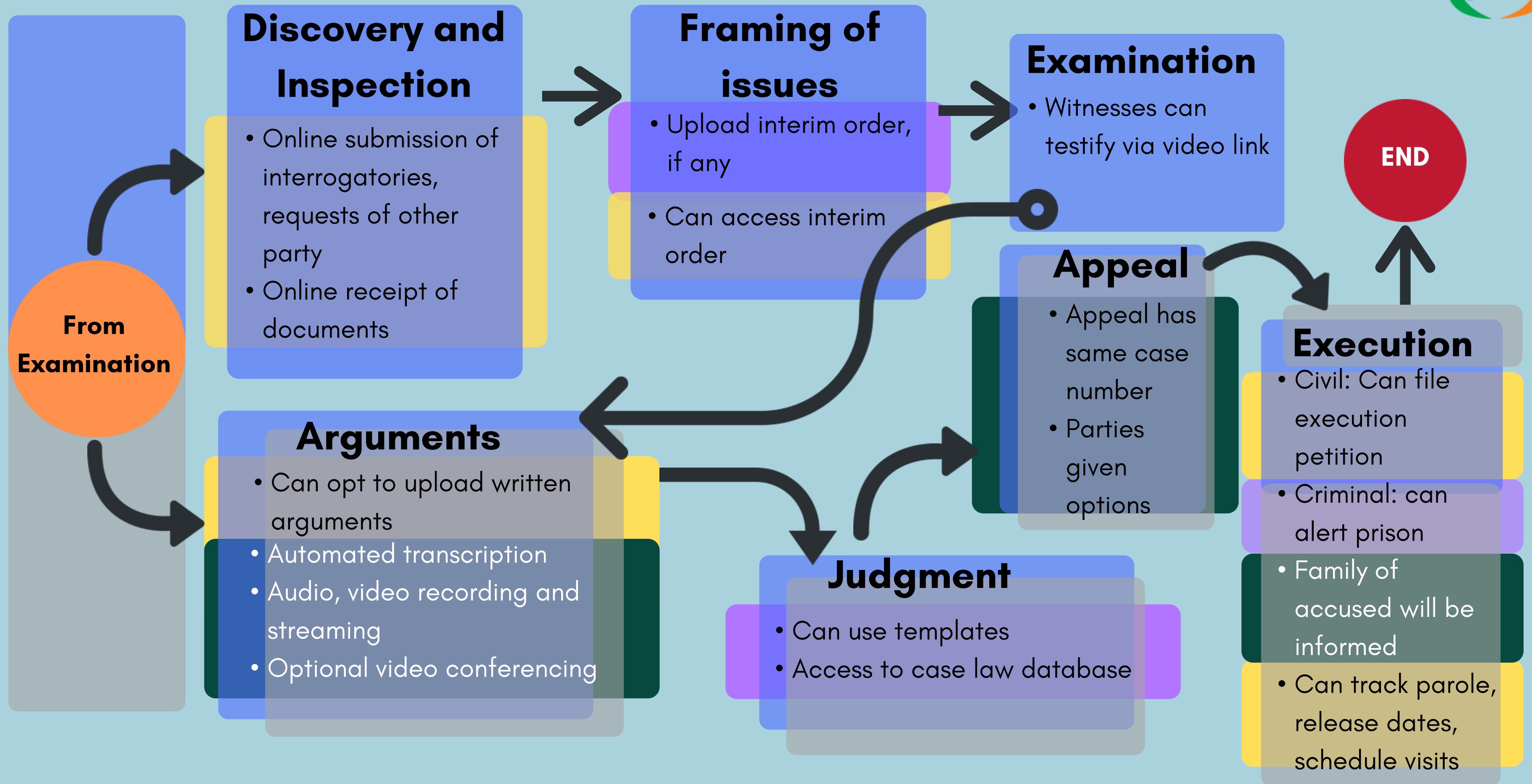
Using AI and ML with case
law history

CASE LIFECYCLE IN A PUBLIC PLATFORM FOR THE JUSTICE SYSTEM









LEGAL FRAMEWORK FOR PROTECTION AND RELEASE OF JUDICIAL DATA



Rights of principals:

- Fair treatment
- Right to be notified
- Access
- Objection to usage
- Security
- Erasure
- Rights regarding automated processing
- Accuracy and rectification
- Effective remedy for violation of other rights

Obligations of fiduciaries:

- Fair treatment of the principal
- Notification of the principal
- Purpose limitation
- Data minimisation
- Storage limitation
- Security
- Accountability

Grounds for processing:

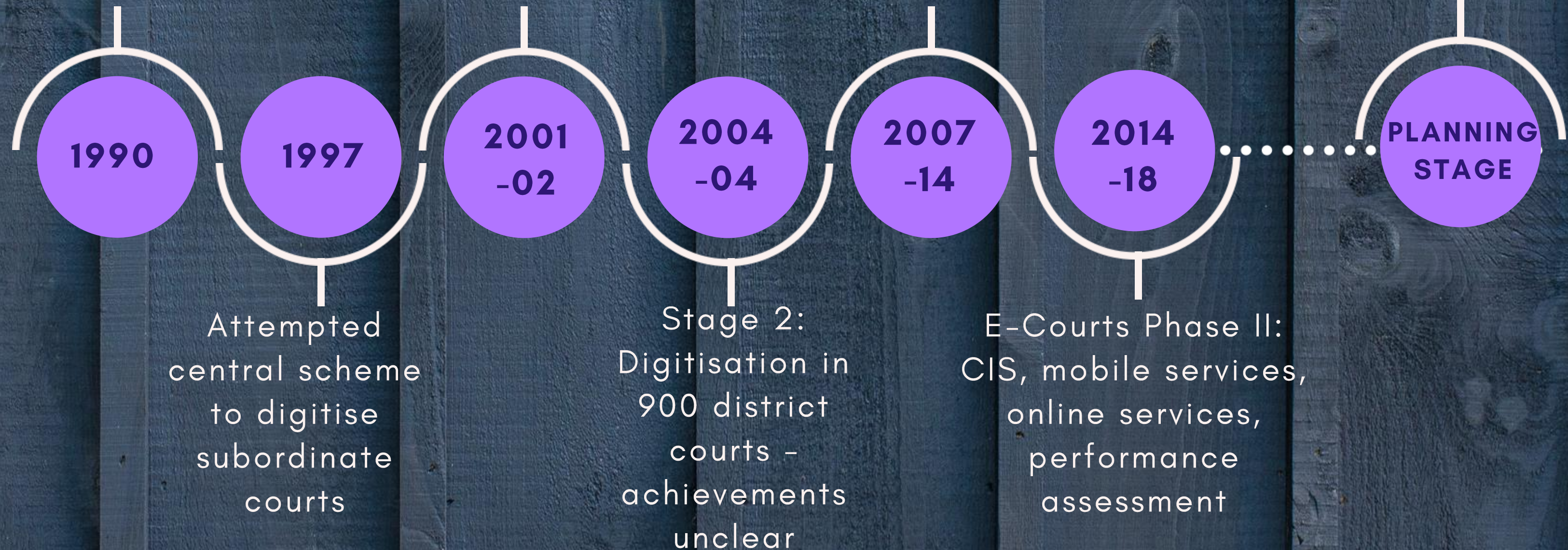
- Necessary for legal proceedings
- Consent
- Criminal investigation
- Compliance with orders of courts/tribunals
- Platform improvement
- Functions of the state
- Contractual obligations

Computerisation of
listing, recording
judgments,
Supreme Court and
High Courts

Stage 1:
Digitisation of
cause lists,
notices, central
enquiry, filing,
700 District
Courts

E-Courts Phase I:
Upgraded
infrastructure, but
suffered delays, cost
overrun

E-Courts Phase III:
Integration with
other agencies,
digital library
management system



TYPICAL FEATURES OF DIGITISED JUDICIARIES

Case management system (CMS)

E-courtroom

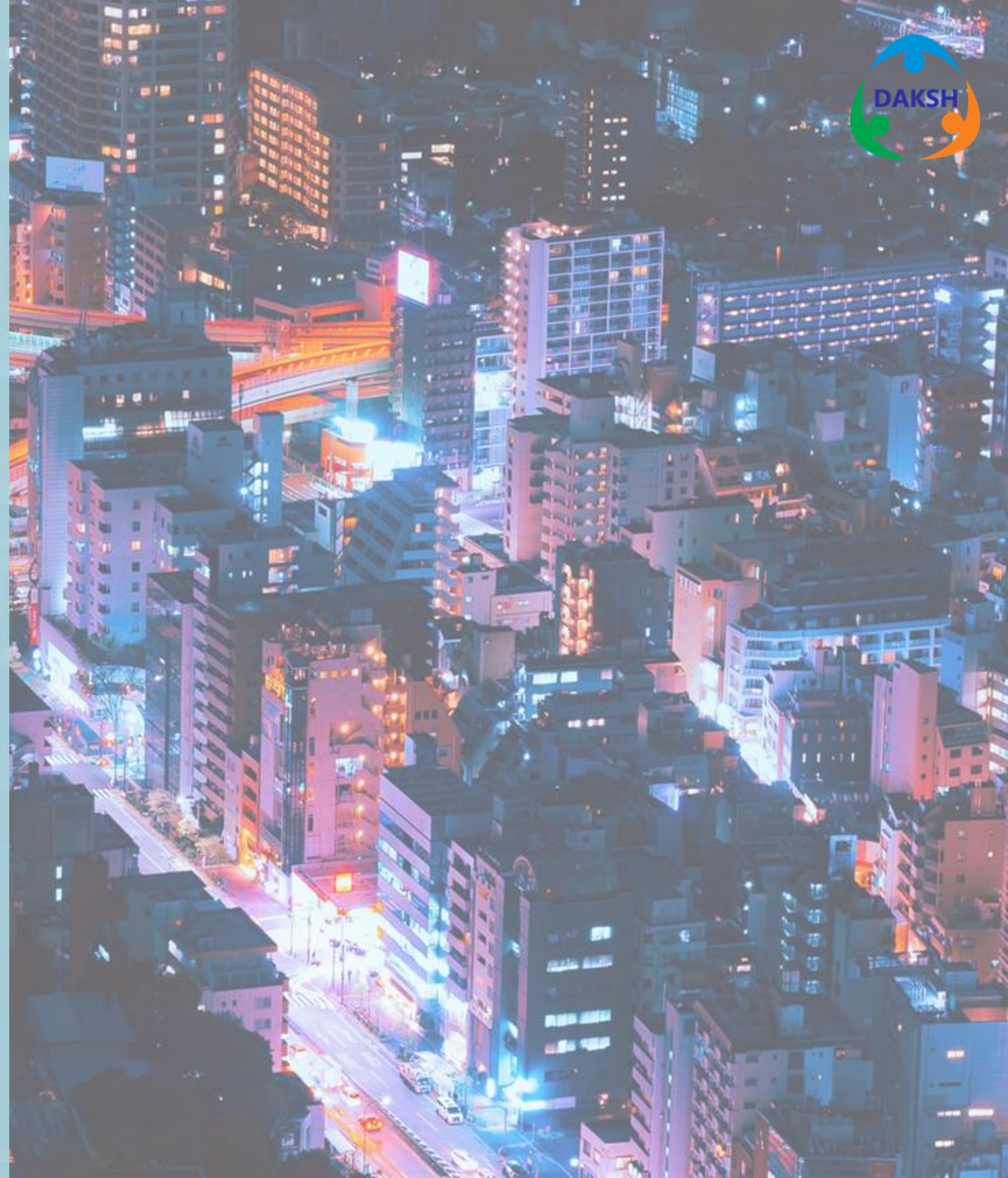
Digital archive

Online payment

Document management

Judge support system (JSS)

Online dispute resolution (ODR)



INTERNATIONAL COMPARISON



Country	CMS	E-Court room	Digital Archive	Document Management	Online Payment	JSS	ODR
South Korea	Advanced	Yes	Yes	Yes	Yes	Yes	Limited
China	Advanced	Yes	Yes	Yes	Yes	Limited	Limited
UK	Advanced	Yes	Yes	Yes	Yes	Yes	Limited
Singapore	Advanced	Audio	Yes	Yes	Yes	No	Yes
UAE (Dubai)	Advanced	Yes	Yes	No	Yes	Limited	Limited
USA	Advanced	Yes	Yes	Yes	Yes	Limited	Limited
Malaysia	Advanced	Yes	Yes	Yes	Yes	No	Yes

CURRENT ICT LANDSCAPE OF THE JUDICIARY



Applications

Case information system:

- Core modules
- Data exchange modules
- Statistical report generation
- Modules for data transfer to information layer

Integration with other applications:

- Core modules
- Data exchange modules
- Statistical report generation
- Modules for data transfer to information layer

Channels of Engagement

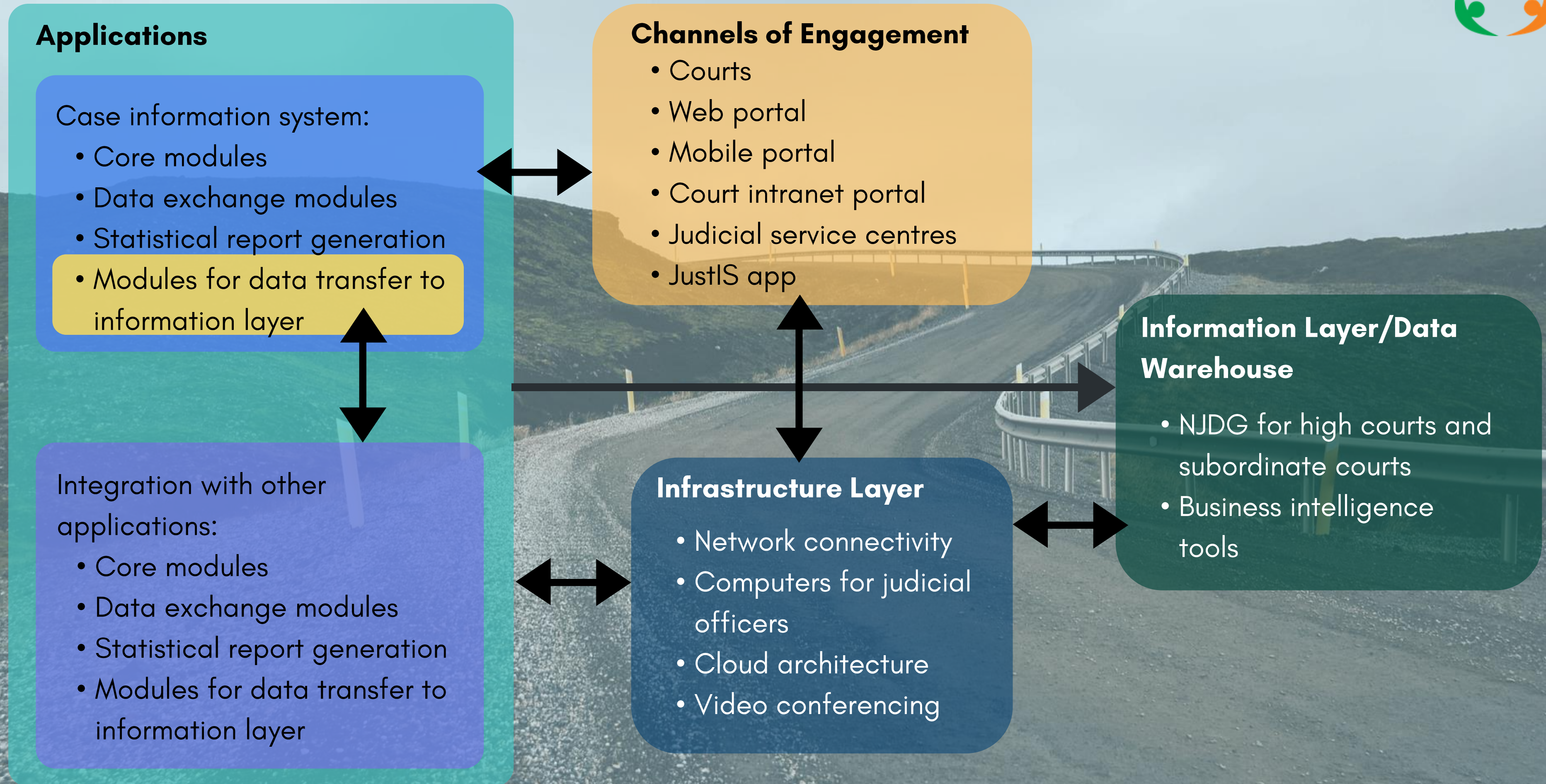
- Courts
- Web portal
- Mobile portal
- Court intranet portal
- Judicial service centres
- JustIS app

Information Layer/Data Warehouse

- NJDG for high courts and subordinate courts
- Business intelligence tools

Infrastructure Layer

- Network connectivity
- Computers for judicial officers
- Cloud architecture
- Video conferencing





**THANK
YOU**