

*Whitepaper Series  
on Next Generation Platform  
for the Justice System*

**DAKSH**

To read the Whitepaper series in full, please visit  
<https://dakshindia.org/next-generation-justice-platform/>



# Next Generation Justice Platform for India

## Introduction

We now live in the digital age; in the last 30 years, Information and Communication Technology (ICT) has rapidly transformed how individuals interact with one another, how business is conducted, how organisations operate, and how the State and citizens interact. This shift to increased use of ICT has made possible a system of interactions that were hitherto inconceivable. There is now a public expectation that ICT channels be used to deliver justice more efficiently. This presents a tremendous opportunity as the implementation of a ICT-enabled justice platform requires a revision of existing processes that could radically transform institutions like the judiciary and achieve new levels of efficiency, effectiveness and quality in justice delivery. To this end, DAKSH has authored a three part series of whitepapers that outline the vision , implementation and legal framework required to realise a next-generation justice platform.

Digitisation of the Indian judiciary is already underway with the E-Courts Mission Mode Project recently completing Phase II of its 3-phase plan. However, Phase II was completed only after significant delays, missing out on many technological innovations that were developed in that interim period. The E-Courts project could have abandoned antiquated processes designed for a paper-based world and substituted them with ones designed for a digital paradigm. However, the project has largely been an exercise in digitizing existing processes instead of transforming the judiciary using a public platform approach. We propose that the vision for the next stage of digitization take a public platform approach that would enable seamless interaction with other institutional stakeholders in the justice system while retaining a citizen-centric focus.

## Potential benefits for stakeholders

### Citizens

The main purpose of the platform is to make institutions citizen-centric, and this is reflected in the benefits it would offer them. These would be great leaps in the affordability and accessibility of justice, as well as greater empowerment of the citizen through minimisation of asymmetry of information. It also offers increased flexibility in how citizens interact with the justice system, since open standards and open APIs would enable them to develop more targeted and specialised applications and solutions. They would also have more autonomy over their personal data because of protections offered by the legal framework for the platform.

### Judges and court staff

Electronic case tracking and management are key to eliminating procedural delays. Many administrative tasks could be made more efficient, or even eliminated, and judges could spend less time on administrative duties and more time on judicial ones. Their core responsibilities could become much easier thanks to the ease of accessing information on legislation, precedent, and scholarship on various subjects. Non-judicial personnel can rely on tools provided on the platform to support judges and court users, be it in managing court premises or assisting court users remotely.

### Lawyers

Being able to manage and track all aspects of their case online, such as managing documents, evidence, and tracking and planning for hearings, would enable lawyers to use time and resources more efficiently, by reducing the necessity of physical management of documents and physical presence at court premises.

### Police and other investigation agencies

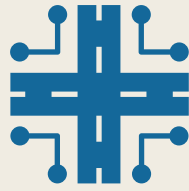
Receiving complaints online would mitigate physical barriers to filing police complaints and would enable police personnel to track and update the status of each case as the investigation proceeds. The platform would enable them to log and track police records in a secure database and share them with other institutions such as courts and investigation agencies. Investigation agencies can similarly use the platform to manage information pertaining to their investigations and to share it with the police and courts. Where efficiency is critical, such as in the issue of warrants, doing so through an electronic platform can improve outcomes dramatically.

The section below looks at fundamental features of a desirable justice system.



1

**Citizen oriented process**



2

**Common digital infrastructure**



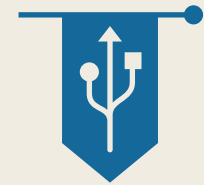
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**'One stop government'**



4

**Modularity**



5

**Open standards**

**JUSTICE PLATFORM**



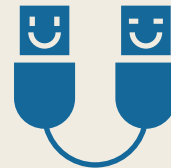
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**Automation of key processes where applicable**



7

**Provision of intelligent tools to stakeholders**



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**Ease of use**



9

**Accessibility**



10

**Minimal asymmetry of information**



11

**Transparency**



12

**Efficiency**



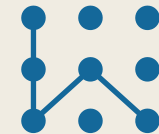
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**Privacy**



14

**Fairness**



15

**Security**

## Government departments, government lawyers and public prosecutors

The State is the most prolific litigant in India, and their lawyers have unique needs and constraints. Sharing of records between government departments and their lawyers is a major cause of delay in government litigation. Dedicated communication channels can considerably reduce the State's litigation costs, as well as judicial delay in general. Public prosecutors also have their own unique needs given their need to communicate and share information with state Home Departments, police forces, and other agencies.

## Legal Framework

The current regulatory landscape of the justice system is difficult for citizens to navigate and is planned around physical processes and physical record keeping, which holds back digitisation initiatives. Current digitisation efforts lack legal backing and therefore bear disclaimers regarding the accuracy and justiciability of information provided online. We propose that the adoption of a platform be accompanied by a legal framework that would enable:

- The creation of a platform and migration to it;
- Granting justiciability to online procedures and features of the platform;
- Linking platform regulations to existing procedural law;
- Providing legal recourse for violations;
- Giving legal backing the open standards to be adopted;
- Implementing measurable performance standards for the platform, with rule-based reflection of non-performance; and
- Protecting the privacy of citizens while ensuring transparency of institutions

## Implementation

The core objectives and features of the platform were arrived at after careful deliberation and analysis, but they will be rendered inert without an effective implementation plan. Detailed planning will help make the implementation of the platform more seamless, minimising risks and maximising the efficiency with which resources are spent. The following areas were determined to be key to the successful implementation of the platform.

### Process Re-engineering before Digitisation

Judicial and justice system processes should be radically redesigned so that they are not only digital native but are also efficient and streamlined.

## Modular Approach

A modular approach offers many benefits. It means that every institution or group of users can build customised modules for engaging with the justice system. It also makes implementation easier and more affordable than with a "big bang" approach. An authority should be designated to ensure interoperability of the different modules and to set open standards for the platform. It should arrive at these standards in consultation with the various stakeholders.

## Use Off-the-Shelf Applications

Using readymade off-the-shelf applications instead of risking the high budgets and levels of disruption incurred by developing applications in-house is advisable. Using a seasoned, well-tested product in the market ensures that the solution has evolved and is responsive to changing needs, which avoids the risks of using unproven solutions.

## Pilot Projects

Solutions should be implemented at a small scale and its functioning studied before scaling up. Pilots could be either geographic or module-wise, depending on the functionality.

## Stakeholder Engagement

All other aspects being perfect, the success of the platform will be entirely dependent on the extent to which stakeholders are made part of both design and implementation processes. Effective communication with stakeholders will be critical to ensure that the platform meets each stakeholder's requirements. Acquiring senior and influential stakeholders' buy-in at an early stage will be essential.

## Conclusion

The benefits of a public justice platform approach cannot be understated - it will strengthen Indian democracy in several fundamental ways by improving access to timely justice and strengthening the rule of law, while protecting rights of citizens under the Constitution. There is currently a widespread lack of confidence among the public in their ability to get speedy justice, which the justice platform will go a long way in changing. It is an opportunity to re-examine justice delivery and eliminate redundant processes to create a new more accessible and efficient justice system. It is vital that this not be a one-time exercise as justice delivery must be adaptable to changes in technology and society through continuous and structured engagement with all stakeholders.