

TECHNOLOGY

₹7000 crore for e-Courts Phase III

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The third India Justice Report continues to compare and track the improvements and shortfalls in each state's structural and financial capacity to deliver justice. Using the latest available government figures the first ever ranking was published in November 2019. Each state's ranking is assessed on quantitative measurements of budgets, human resources, infrastructure, workload and diversity within the police, judiciary, prisons and legal aid in 18 large and medium sized states with a population of over 1 crore and 7 small states with less. Data for 8 Union Territories (UTs) and 3 other unranked states is also provided. The IJR's not only provides pillar and theme wise comparisons between similarly situated states but also captures improvements and shortfalls in pillars and themes since IJR 2020 and over 5 years. These mark out clear discernible trends and directions.

The use of information technology in the justice system began in 2005 with the 'National Policy and Action Plan for Implementation of ICT in the Indian Judiciary' by the e-Committee of the Supreme Court of India. The Committee was mandated to prepare the judiciary in adapting and applying technologies for a more efficient delivery of justice. One of the primary initiatives, the E-Courts Integrated Mission Mode Project was formulated to provide efficient and time-bound citizen centric services. In its two concluded phases, this project has digitised data of 3,256 court complexes, established individual websites of 688 district courts,¹ and has also created the National Judicial Data Grid (NJDG), the national repository of data relating to cases pending and disposed of in all courts.²

The onset of the pandemic saw rapid enhancement in incorporating technology within the justice system. India moved swiftly towards e-filing of cases, live-streaming court proceedings and online hearings, with 19.2 million cases heard online and 1.78 crore cases disposed of by virtual courts as of April 2022.³

Outlining a justice system with paperless courts, digitised court proceedings and speedy disposal of cases with a focus on eliminating lawyers and litigants needing always to appear physically in court, the third phase will build on the gains made in the previous two phases with a budget

¹ E-Committee of the Supreme Court of India showcasing the Information and Communication Technology (ICT) initiatives adopted by the judicial system. Available at: <https://ecommitteesci.gov.in/significant-achievements/>

² The National Judicial Data Grid, available at: <https://njdg.ecourts.gov.in/njdgnew/index.php>

³ Hon'ble D.Y Chandrachud, Chief Justice of India at the the First All India District Legal Services Authorities Meet. <https://www.livelaw.in/top-stories/178-crore-cases-disposed-of-by-virtual-courts-192-million-cases-heard-by-hcs-district-courts-through-vc-justice-dy-chandrachud-205232?from-login=257852>

allocation of ₹7000 crore in 2023, a significant jump from the ₹935 crore and ₹1,670 crore allocated in the first two phases.

Implementation of the Inter-Operable Criminal Justice System

With the push for increased digitization, and in a step towards ensuring effective and modern policing, in February 2022, the Central government approved the implementation of the Inter-operable Criminal Justice System (ICJS). An initiative of the Supreme Court's e-Committee, the ICJS aims to enable seamless transfer of data and information among different pillars of the criminal justice system from one platform and will integrate existing centralised data systems such as the Crime and Criminal Tracking Network & Systems (CCTNS), e-prisons and e-courts.

Integrating technology into the justice system will undeniably increase speed and efficiencies however, there remain concerns that it may further exclude already marginalised categories. Technology is an undeniable advantage to set up efficient citizen-centric services

84% of India's jails are equipped with video-conferencing facilities

As of December, 2021,⁴ India's 1319 prisons held 554,034 inmates and overcrowding stood at 130%, an increase of 16% over 2019. 77% of this population were undertrials, or those awaiting completion of investigation or trials. There is a constant need for prisoners to be ferried back and forth from courts. In 2008, with the amendment of Section 167(2)(b) of the Code of Criminal Procedure, 1973, video conferencing was introduced as an alternative method of producing accused in courts.

The shutting down of courts coupled with restrictions in moving inmates from prison to courts for physical appearances and the considerable loss of court time added to the lengthening of criminal trials, securing bail and accessing legal aid. Between 2019 and 2021, video conference facilities between courts and prisons which are intended to bring prisoners face to face with the courts at minimum statutory intervals, increased from 60% (808 jails) to 84% (1102 jails). Thirteen states/UTs¹⁷ record a 100% coverage across their prisons. In contrast, 4 states/UTs¹⁸ had less than half of their prisons equipped with this facility. None of Lakshadweep's 4 prisons had this facility available.

CCTV's in police stations - compliance to the Paramvir Singh Saini judgement

⁴ Prison Statistics India, 2021

In 2020, the Supreme Court, in *Paramvir Singh Saini v Baljit Singh* (2020),⁵ passed a series of directions regarding the installation of specific types of CCTV cameras in 14 different locations in every police station. As of January 2022, nationally, of the 17,535 police stations only 73.5 per cent (12,893) had installed at least one CCTV camera.⁶

Eight states/UTs⁷ including West Bengal, Telangana and Karnataka had at least one CCTV in all police stations. But it is unclear how many or whether they are located at the specific locations the apex court required they be installed. Four states/UTs (Rajasthan, Manipur, Puducherry, Lakshadweep) reported that less than 1 per cent of their police stations have CCTVs. Rajasthan had managed only one in an urban police station; Manipur, Puducherry and Lakshadweep reported none. Nine states/UTs⁸ do not have CCTVs in half of their rural police stations. Only seven states/UTs⁹ have installed CCTVs in all special purpose police stations.¹⁰

16 states/UTs do not have a cyber cell in 50% of their districts. Punjab, Mizoram and J&K do not have any district level cyber cells

Since 2012 registered cyber crimes have gone up more than 15 times from 3,377 to 53,000 in 2021¹¹. At the beginning of 2018, a Ministry of Home Affairs advisory, proposed setting up of district cyber cells as needed¹². The 237th Parliamentary Standing Committee Report on Home Affairs¹³ reiterated this need. As of Jan 2021, 544 of 746 districts i.e. 73% have a cyber cell¹⁴. 15 states/UTs¹⁵ do not have a cyber cell in 50% of their districts, out of those Arunachal Pradesh, Mizoram, Delhi and J&K do not have any district level cyber cells. In some states, the cybercrime infrastructure is supplemented by specialist cyber crime police stations. As of January 2021, there are a total of 262 cyber crime police stations. The highest number of cyber crimes are reported from Telangana (10,303) which has district cyber cells in 77% of its districts and 3 cyber crime police stations, Uttar Pradesh with the second highest number of 8,829 cyber crimes has cyber

⁵ https://main.sci.gov.in/supremecourt/2020/13346/13346_2020_33_1501_24909_Judgement_02-Dec-2020.pdf

⁶ DoPo 2021.

⁷ Karnataka, Telangana, Ladakh, DNH & DD, Andaman & Nicobar Islands, Assam, Goa, West Bengal

⁸ Rajasthan, Lakshadweep, Manipur, Puducherry, Jharkhand, Jammu and Kashmir, Nagaland, Meghalaya, Sikkim.

⁹ Telangana, West Bengal, Assam, Goa, A & N Islands, Ladakh, DNH & DD.

¹⁰ Special purpose police stations are the ones set up to deal with special crimes like crime against SCs/STs/ weaker sections, crime against children, anti-corruption/vigilance, coastal security, crime investigation department, economic offences, cyber-crime, narcotics, drug trafficking, etc.

¹¹ <https://www.cnbctv18.com/india/cyber-crime-are-on-a-rise-in-india-amit-shah-cyber-security-ncrb-data-13913912.htm>

¹² Ibid.

¹³ https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/15/161/237_2022_2_17.pdf

¹⁴ DoPO 2022

¹⁵ Rajasthan, A&N island, Sikkim, Puducherry, Madhya Pradesh, Gujarat, Tripura, Andhra Pradesh, Assam, Himachal Pradesh, Karnataka, Arunachal Pradesh, Mizoram, Delhi, Jammu and Kashmir

cells in all its districts in 4 commissionerates and 18 cyber crime police stations in every range headquarter. Karnataka with third highest incidents of cyber crime (8,136) has only one cyber cell and has 8 cyber crime police stations. The highest number of cyber crime police stations are in Tamil Nadu and Maharashtra with 46 each followed by West Bengal with 31. Majority (25 states/UTs¹⁶) have less than 5 and 8 states/UTs¹⁷ have none.

About India Justice Report 2022

The India Justice Report (IJR) 2022 remains the only comprehensive quantitative index using government's own statistics ranks the capacity of the formal justice system operating in various states. This IJR is a collaborative effort undertaken in partnership with DAKSH, Commonwealth Human Rights Initiative, Common Cause, Centre for Social Justice, Vidhi Centre for Legal Policy and TISS-Prayas.

First published in 2019, the third edition of the IJR adds an assessment of the capacity of State Human Rights Commissions. It continues to track improvements and persisting deficits in each state's structural and financial capacity to deliver justice based on quantitative measurements of budgets, human resources, infrastructure, workload, and diversity across police, judiciary, prisons and legal aid for all 36 states and UTs.

Visit <https://indiajusticereport.org> for the main report, data explorer and more.

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¹⁶ Andhra Pradesh, Telangana, Punjab, Rajasthan, Uttarakhand, Jammu and Kashmir, Arunachal Pradesh, Bihar, Chhattisgarh, Goa, Himachal Pradesh, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Assam, Sikkim, Tripura, A and N Islands, Chandigarh, Dadar and Nagar Haveli Daman & Diu, Ladakh, Lakshadweep

¹⁷ Assam, Sikkim, Tripura, A and N Islands, Chandigarh, Dadar and Nagar Haveli Daman & Diu, Ladakh, Lakshadweep