

TRAINING PROGRAMME FOR BANGLADESH JUDGES AND
JUDICIAL OFFICERS

at the

NATIONAL JUDICIAL ACADEMY

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Re-engineering Judicial Process through ICT

by

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Technology offers courts a crucial commodity—information

—that can help the justice agencies make better and quicker decisions, and track case outcomes

Technology integration helps courts

Technology empowers courts:

- to meet core purposes and responsibilities, particularly when they work with limited court staff
- reduces hours of operation
- optimizes court locations

Pre-requisites to harness technology:

- Identify needs of judges, lawyers and litigants
- examine process re-engineering opportunities
- migrate from document to content management

This improves the quality of justice, access to justice, and public trust and confidence in the court as an institution

Bangladesh E-Judiciary Initiative

Official Feedback

- State Minister for Information and Communication Technology Zunaid Ahmed Palak – Judiciary to be fully digitised in 2 years
- Shamim Haider Patwary, Member of Parliament
 - need a strong political will to develop the judiciary
 - judiciary must have a separate ICT department
 - adequate resources should be allocated
- Farzana Khan, Additional District and Sessions Judge and Domain Expert, a2i – plan to create portfolios for all practising lawyers from 64 districts that will be accessible through the MyCourt App
- Dr Dewan Muhammad Humayun Kabir, a2i, - web portal for 64 district courts, five metro courts, and the National Justice Training Centre
- Mohd. Mahfuzur Rahman Al-Mamun, REC PI, AIG, Bangladesh Police - created a database of criminal record, which, along with the online GD and FIR filing system, should be connected to the My Court app

Bangladesh E-Judiciary Initiative

Lawyer/Litigant Feedback

- Barrister Rashna Imam, Advocate, Supreme Court
 - Lawyers working outside Dhaka need training and resources
 - e-filing process has to be made smooth, need clear practice direction
 - Legal research should also be made easy through digitisation.
- Barrister Fatema Anwar, Advocate, Supreme Court - more beneficial to split the project into two parts
 - expedite it for the commercial litigation and commercial legal service provision
 - another system for all other cases
- Christabel L. Randolph, Marico Bangladesh Ltd
 - Implement e-stamping, solve evidentiary issues
 - Implement digital signatures for court officials
- Romel Chowdhury, Grameenphone Ltd. - integrate a digital payment system with e-judiciary to ensure transparency and prevent corruption

Bangladesh E-Judiciary Initiative

Other Feedback

- Dr Md. Rizwanul Islam, Professor & Chair, Department of Law, North South University - transformation has to be holistic for digitalisation to succeed
- Md. Golam Sarwar, then Assistant Professor, Dhaka University - imposition of 15 percent VAT on laptop imports and 10 percent advance income tax on broadband internet services and mobile phones in the budget is contradictory to the spirit of digital transformation in the justice system
- Sarder M Asaduzzaman, UNDP
 - should move towards a demand mode
 - Digitalisation should not be considered an add-on; should be embedded in every organisation
- Ashutosh Sarkar, President, Law Reporters Forum
 - Digital bail hearing system no longer available
 - Only the International Crimes Tribunal is writing and uploading judgments online
 - Case result online system not fully introduced in the High Court Division

Court computerisation in India

- GOI with NIC's help has been computerising courts at all levels since early 1990s
- SC and all HCs had started using IT to some extent by the start of the millennium
- National Policy by eCommittee in 2005 launched eCourts Project for district courts
- Policy Document on eCourts Phase I in 2004
- eCourts Phase II launched in August 2015
- Draft of eCourts Phase-III ready in 2022

eCourts Phase I – The Basics

Project Module	Status in August 2015	
	No. of Completed Courts	Percentage
Sites Ready	14,249	100
LAN Installed	13,686	95.7
HW Installed	13,436	94.3
Software Deployed	13,672	95.9

- Budget: Rs 935 crore; utilized: Rs 639.41 crore (68 %)
- The e-Courts portal (<http://www.ecourts.gov.in>)
- District Court websites
- Case status information online - orders/judgments online
- NJDG
- Laptops to 14,309 JOs

Ecourts Phase-II - Financials

- Sanctioned project – Rs 1670 crore
- Expenditure – Rs 1668.43 crore (99.91%)
- Courts computerised: 18735
- Rs 317.96 crore released to provide WAN connectivity; 2972 of 2992 court complexes (99.3% sites) have been provided with 10 Mbps to 100 Mbps bandwidth speed using various technologies like OFC, RF, VSAT

National Judicial Data Grid (NJDG)

- <https://njdg.ecourts.gov.in/njdgnew/?p=main/index>:
 - provides case data for all courts through a web portal on almost real time basis, with a dashboard and drill down facility to reach the case details in each case
 - will help to ascertain the number and type of arrears in every court in the country for better judicial monitoring and management



NJDG

National Judicial Data Grid (District and Taluka Courts of India)

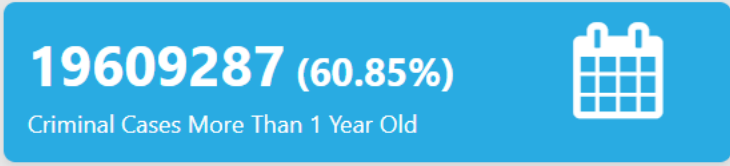
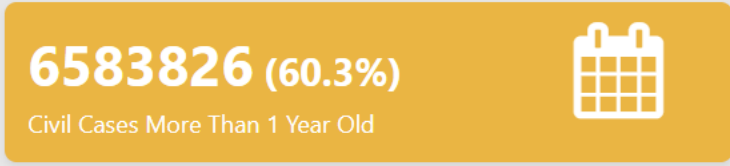
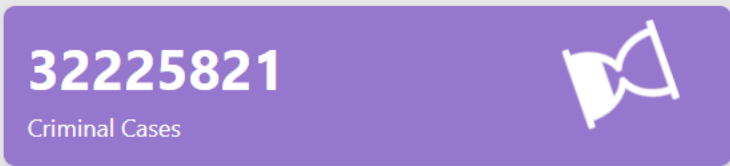
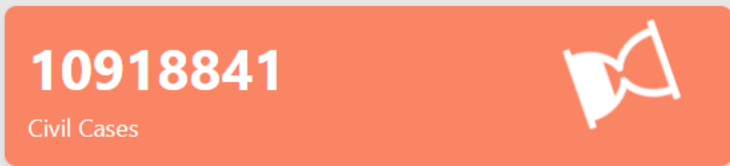
Drill Down

Pending Dashboard

Disposed Dashboard

Alerts

Information Management



The above shown figures are upto Current Date

Drill Down

Search:

Particulars

Civil

Criminal

Pending Cases

Assistance for judicial officers/staff

- Management Manuals:
 - Case management CIS 3.0
 - E-filing; E-Pay; Query Module
 - National Service and Tracking of Electronic Processes (NSTEP) App. for bailiffs for delivery of processes
- Master trainers available
- NIC team available to help whenever judges face a problem

Proposed objectives of the eCourts Mission Mode Project in Phase -III

- interlinking of all courts across the country;
- ICT enablement of the Indian judicial system;
- enabling courts to enhance judicial productivity, both qualitatively and quantitatively and to make the justice delivery system accessible, cost-effective, transparent and accountable.

Currently under consideration, budgeted for
2023-24

The Justice System in India is Transparent...

- Art 145 (4): Judgments to be delivered in open courts
- eCourts Achievements: <https://doj.gov.in/national-mission/ecourts/ecourts-phase-i>
- Seven ways to access court related information: <https://doj.gov.in/node/1138833>
- Information in 20 languages, including Bengali: <https://doj.gov.in/node/1138815>
- Main website: https://ecourts.gov.in/ecourts_home/
- E-Committee website: <https://ecommitteesci.gov.in/>

...but is confidentiality and privacy rights secure?

- Live streaming the norm except in the following cases:
 - Matrimonial matters, including transfer petitions;
 - Cases involving sensitive issues like sexual assault;
 - Matters where children and juveniles are involved;
 - the presiding judge of each courtroom shall have the discretion to disallow live-streaming for specific cases where, in his/her opinion, publicity would prejudice the interests of justice.

Para 46, Concurrent judgment of Justice D Y Chandrachud, in Swapnil Kumar case (2018)

Also see Pradyuman case (2017) on the use of CCTV cameras in courts and J. Puttaswamy case (2017) on right to privacy

Huge Data Available

- Court data (High Courts and District and subordinate courts) is in public domain
- Drill down data available at individual case level except where masked
 - Case type, parties, lawyers, addresses, emails
 - Acts and rules at issue
 - Judge/court details including names and locations
 - Property details, commercial details
 - Cause lists, orders, judgments

Data Protection

Transparency vs Privacy

- Analyses already being done through 'scraping'
- Court data and judgments gradually becoming machine readable
- APIs planned in eCourts Phase-III exacerbates risk of data misuse
- Another version of the Digital Personal Data Protection Bill being finalised
- Data audiences: internal, external and public – may require different treatment

Data Protection - solutions

- Assess based on
 - degree of potential harm
 - content, context and data field, not document
 - Non-personal/anonymous data
 - Require no application, no permission
 - Personal data
 - Require application, permission of court
 - Sensitive personal data
 - Require application, permission of court and consent of person concerned

THANK YOU

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