

TECHNOLOGY

40% jails yet to install video conferencing facilities

The second edition of the India Justice Report is all about comparisons and tracking the rise and falls 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. The ranking is based on quantitative measurements of budgets, human resources, infrastructure, workload, diversity across police, judiciary, prisons and legal aid in 18 large and medium sized states with a population of 1 over crore and 7 small states. Data for 7 Union Territories (UTs) and 4 other unranked states is also provided. IJR 2020 not only provides pillar and theme wise comparisons between similarly situated states one against another, but also allows for an understanding of what improvements and shortfalls have been made within each state's own pillars and themes since IJR 2019 and over 5 years. These mark out clear discernible trends and directions.

- 60% of jails are now equipped with video conferencing facilities.
- In terms of accessibility of services and availability of state language, only Punjab and Himachal Pradesh's state citizen portals scored 90%.

This year's report includes two new indicators: a) video conferencing capacity, and b) online citizen's portals. The pandemic has highlighted the need for speedier incorporation of technology into the justice system. Although restricted to examining only some pre-COVID applications, the increasing reliance on technological solutions prompted the inclusion of indicators on the number of jails with video-conferencing facilities and the online services offered by state police citizen portals.

The government's big bets on technology will undoubtedly grease the wheels of justice delivery.

Video Conferencing

As of 2019¹, India's 1350 jails held 4,78,600 inmates. Overcrowding stood at 119%, an increase of 10.5% over 2016. 69% of this population are people awaiting completion of investigation or trial.

There is a constant need for prisoners to be ferried back and forth from courts and for the longest time police escorts have been in short supply. 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.

As of 2019, about 60% of jails are now equipped with video conferencing facilities².

Only 10 states and UTs -- Arunachal Pradesh, Assam, Chandigarh, Dadra and Nagar Haveli, Delhi Goa, Haryana, Himachal Pradesh, Puducherry and Uttarakhand -- have these facilities in all jails. Among large and mid-sized states, only Haryana and Uttarakhand managed to equip all jails with the video-conferencing facilities. No jail in Daman and Diu, Lakshadweep, Mizoram and Sikkim had video conferencing facilities.

¹ Prison Statistics India, 2019

² Prison Statistics India, 2019 - Table 12.10, pp 263-264. Available at: <https://ncrb.gov.in/sites/default/files/PSI-2019-27-08-2020.pdf>

Citizen's Portals

In 2009, the central government launched the Crime and Criminal Tracking Network System (CCTNS) for “creating a comprehensive and integrated system for enhancing the efficiency and effectiveness of policing through adopting of principle of e-Governance”. One segment of this provides for on line services and information at the click of a button through citizen’s portals. Each state portal is expected to have information garnered from every police station. As per data released by the Ministry of Home Affairs (July, 2019)³, the government expected to link up 14,000 of India’s 15,000 stations to the system. As of 2019, the target had been largely met except for 958 police stations.⁴

State citizen portals are expected to provide 9 services – filing online complaints; obtaining status of that complaint; obtaining copies of FIRs; viewing details of arrested persons/wanted criminals; viewing details of missing/kidnapped persons, unidentified dead bodies; viewing details of stolen/recovered vehicles, arms, stolen property; requests for issue/renewal of NOCs; and verification requests for employment, passport etc.. The portal also allows standard forms to be downloaded. IJR 2020 measures the extent to which these portals meet these objectives.

Only Punjab and Himachal Pradesh scored 90%⁵. This was followed closely by Chhattisgarh (88%), Maharashtra (88%) and Andhra Pradesh (86%). Bihar is the only state without a portal.

Users face numerous problems of accessibility to these services. A number of portals did not work despite repeated attempts over three months to access them even on the specific browser mentioned on the portals. Among them: Mizoram, Rajasthan, Lakshadweep, Uttarakhand, Arunachal Pradesh, Sikkim and Tripura. Some that could be, suggested the use of a specific browser (West Bengal and Uttarakhand recommended Firefox). Elsewhere, as in Sikkim the CAPTCHA did not allow a log in. West Bengal’s portal was unresponsive after submitting the sign-up form. Yet others, like Himachal Pradesh’s did not work till the third attempt even after signing up, stating that the request could not be processed.

Most sites were available in English or Hindi, but not necessarily in the state language. The Delhi portal, for instance, was available only in English while in Jharkhand and Punjab, only certain sections of the site, or one service was in Hindi or Gurmukhi. For Jammu and Kashmir there was no ready option to translate the page and for access the site requested the user to download the Urdu script.

With these gaps, the citizen portals are falling short of their objective of enabling easy access to select policing services.

Legal Aid

The legal aid set-up became an integral part of the E-courts project with the launch of Phase II in 2014. The offices of District Legal Service Authority (DLSA) and Taluka Legal Services Committee (TLSC) are required to work in tandem with the Court processes for holding of Lok Adalats, listing of cases in lok-adalats, the cause lists, proceedings, orders etc. This requires the DLSA and TLSC offices to be integrated with rest of the Court complex’s Information and Communication Technology (ICT) infrastructure.

As of 2020, the DLSAs in 22 states and UTs, including Tamil Nadu, Uttar Pradesh, Arunachal Pradesh, Goa and Delhi are not linked to the e-courts system. Linking elsewhere is at best partial. Among large and mid-sized states, only Chhattisgarh shows that 87% of its 23 DLSAs are linked to

³ Government of India, Ministry of Home Affairs, Rajya Sabha Question No. 1949, Linking of Police Stations under CCTNS, dated 10th July, 2019, asked by Shrimati Kanta Kardam. Available at: [Au1949.pdf \(pqars.nic.in\)](https://www.pqars.nic.in/Au1949.pdf)

⁴ Government of India, Ministry of Home Affairs, Rajya Sabha Question No. 1949, Linking of Police Stations under CCTNS, dated 10th July, 2019, asked by Smt. Kanta Kardam. Available at: [Au1949.pdf \(pqars.nic.in\)](https://www.pqars.nic.in/Au1949.pdf)

⁵ The portals were scored for availability and completeness of services, and availability of the portal in a state language, other than English.

the e-courts system followed by Madhya Pradesh (28%) and Haryana (9%). Among the small states, only Sikkim reports that all its 4 DLSAs are linked.

Video conferencing facilities are rarely used by panel lawyers to appear for cases. Between 2019 and 2020, panel lawyers in only 14 states utilised available video conferencing facilities to appear for cases, the most instances being recorded in Madhya Pradesh (435). This was followed by Jammu and Kashmir (57), Punjab (40) and Jharkhand (39).

The technology indicators measured:

• Police	1. Services provided by state's citizen portals (% , 2020)
• Prisons	1. Jails with V-C facility (% , Dec 2019)
• Legal Aid	<ol style="list-style-type: none"> 1. DLSA front offices linked to SLSA/e-courts system 2. Lawyers using mobile applications for reporting on cases 3. Cases where panel lawyers appeared for cases through video conferencing? (April 2019- March 2020) 4. Cases where for cases through video conferencing? (April 2019- March 2020)