E-Courts Project - Phase III

What is the issue?

- The e-Committee of the Supreme Court recently released its draft vision document for Phase III of the e-Courts project.
- It is felt that Phase III should harness technology for service delivery without increasing surveillance risks.

What was the e-Courts project?

- The e-Courts project is monitored by the e-Committee.
- Phases I and II had dealt with digitisation of the judiciary.
- They carried out e-filing, tracking cases online, uploading judgments online, etc.
- The job is not complete, particularly at the lower levels of the judiciary.
- But the project can so far be termed a success.
- Especially during the pandemic, despite some hiccups, the Supreme Court and High Courts have been able to function online.

What does Phase III plan for?

- For the Phase III, there are plans to upgrade the electronic infrastructure of the judiciary.
- It also aims at enabling access to lawyers and litigants.
- Importantly, the draft vision document goes on to propose an "ecosystem approach" to justice delivery.
- It suggests a "seamless exchange of information" between various branches of the State.
- This covers exchange between the judiciary, the police and the prison systems through the Interoperable Criminal Justice System (ICJS).

How does it work?

- Each person's interactions with government agencies is integrated into a unified database.
- This 360-degree profile creation approach is the main objective of Phase III.
- While social media platforms and technology companies use this for targeted advertising, the government uses it for targeted surveillance.
- Once any government department moves online, their pen-and-paper

registers will become excel sheets, shareable with a single click.
- Localised data will become centralised one.
- The data collected, shared and collated will be housed within the Home Ministry under the ICJS.

What are the key concerns with this?

- Data can be useful when it provides anonymous, aggregated, and statistical information about issues, without identifying the individuals.
- But when combined with extensive data sharing and storage, data collection becomes a cause for concern.
- The ICJS may thus exacerbate the existing class and caste inequalities that characterise the police and prison system.
- This is because the exercise of data creation happens at local police stations.
- Police stations have historically contributed to the criminalisation of some communities.
- This had been possible through colonial-era laws such as the Criminal Tribes Act of 1871.
- They have labeled such communities as “habitual offenders”.
- Also, no clear explanation has been offered for why the Home Ministry needs access to some court data that may have absolutely no relation to criminal law.
- This is of particular concern as the process serves no purpose other than profiling and surveillance.

What should Phase III ensure?

- The objectives of the e-courts project were to streamline judicial processes, reduce pendency, and help the litigants.
- But technology should operate within the constitutional framework of the fundamental rights and not lead to exclusion, inequity and surveillance.
- For this, the e-Courts must move towards localisation of data, instead of centralisation.
- The ecosystem approach should be reconsidered.
- The e-Committee must prevent the “seamless exchange” of data between the branches of the state that ought to remain separate.
- The Supreme Court must take care not to violate the privacy standards that it set in Puttaswamy v. Union of India (2017), particularly when India does not yet have a data protection regime.

Source: The Hindu



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