# Table of Contents

4  Co-Founder's Message  
6  Team  
9  Testimonials  

11  How We Engaged  
11  Adapting To The New Normal  
12  Courts of the Future  
16  Committee Work  
16  Justice Frustrated: The Systemic Impact of Delays in Indian Courts  
20  MARGA  
23  Collaboration with the Indian Institute of Technology, Delhi  
25  Role of Court Managers in the Indian Judiciary  
26  Calculating Judge Strength  
27  A Framework for the National Tribunals Commission  
28  Judicial Data Regulation  
28  DAKSH Database  
32  Events  

35  DAKSH in the News  

38  DAKSH’s Footprint
Hello,

We hope you and your families are well and safe!

We bring you this update from DAKSH as India limps back to normalcy after two waves of the COVID-19 pandemic. As we celebrate the achievements in terms of vaccination coverage, we are aware that this is no time for complacency. Although we transitioned to online working quite seamlessly, we are aware that we are privileged to be saying so. The pandemic and consequent lockdowns created significant disruptions in the delivery of public services across the country and the justice system was no exception. The lockdown exacerbated and brought pre-existing lacunae in the justice system into the spotlight. While the judiciary, police and the other arms of the justice system tried their best to make sure that access to justice was not disrupted, there was a rupture in ensuring such access.

The judiciary’s transition to online modes of working provided a natural experiment of their efficacy. We conducted a rapid review of district court lawyers’ experiences in three states to understand how they had been affected by the physical closure of courts. We also worked with the Supreme Court eCommittee on drafting a vision document for Phase III of the eCourts projects and the Model Live Streaming Rules. Our inputs to these projects were informed by our extensive research contained in five papers on a Next Generation Justice Platform. It was heartening to see our pioneering ideas about the design and development of technology find acceptance among others in the domain and the judiciary in such a short time and make it to the vision document for Phase III of the eCourts projects.
We have embarked on two new initiatives in this period, the DAKSH Centre for Law and Technology (CoE) at IIT Delhi and MĀRGĀ. The CoE is engaged in interdisciplinary research to explore and understand various aspects of the justice system and seeks to leverage rigorous research and building a community of practice to produce a real-world impact in the functioning of the justice system. The CoE has published its first report titled Report on UI/UX Evaluation of Indian High Court Websites. This report analysed the accessibility and availability of information about cases and the courts through a detailed study on the User Interface (UI) and User Experience (UX) of six high court websites. The CoE has also initiated work on three other pioneering projects and will soon be publishing a first-of-its-kind handbook on technology and analytics for law and justice in India.

We launched MĀRGĀ (MĀRGĀ – Media And its Role in Governance and Accountability) on Republic Day in 2021 to improve the quality of journalism on the justice system. Since the launch we have hosted several webinars discussing different facets of the reporting on the justice system and engaged with journalism institutes and working journalists on fair, ethical and accurate reporting.

I would like to thank our patrons and governing council members for their steadfast support and encouragement. I am especially grateful to the DAKSH team who have always stepped up to new challenges and produced pioneering work.

Here’s hoping that 2022 brings more challenges and opportunities for impact. We look forward to your support and hope to connect with you even more closely on our work.

Warm regards,

Harish Narasappa
Co-Founder
Team DAKSH

DAKSH has a dynamic team of creative and dynamic individuals committed to its mission and vision.

Core Executive Team

Harish Narasappa  
Co-Founder

Surya Prakash BS.  
Programme Director

Leah Verghese  
Research Manager

Sandhya PR  
Senior Research Fellow

Aakanksha Mishra  
Research Associate

Anindita Pattanayak  
Research Associate

Smita Mutt  
Research Associate
 Consultants

Chockalingam Muthian
Consultant

Rohan George
Visiting Fellow

Shruti Vidyasagar
Consultant

Saikrishna BVS
Consultant

Sridhar Krishna
Visiting Fellow

Sachin Tantry
Consultant
Governing Council

R Dhirendra
Co-founder and President

M V Sundararaman
Secretary

Surekha Shetty
Treasurer

Poornima Hatti
Member

Harish Narasappa
Co-founder and Member

Kishore Mandyam
Co-founder and Member
Over the last several years, DAKSH has been doing some remarkable work on issues concerning justice delivery. My association with DAKSH started off as a casual discussion on reforms that should be introduced in our justice system. Their views were novel but pragmatic. DAKSH has kept up the spirit of change and has made notable contributions through empirical research and hands-on understanding of the dynamics of reform. It has been a pleasure seeing DAKSH bloom and grow and I cherish my association with the DAKSH family.

Justice (retd.) Madan Lokur

Over the years, DAKSH has pioneered in carrying out original and exceptional research work on the ground realities of and reforms needed in India’s courts and tribunals. Their work fills a gap in addressing systemic issues from citizens’ perspective.

Jyoti Sagar | Founder Partner J Sagar Associates

DAKSH’s work on judicial reforms and access to justice has made DAKSH an influential voice in the space. It is known for its innovative and entrepreneurial approach to the vexing problems of the justice system. It has been a pleasure to work with the team at DAKSH on establishing and running the DAKSH Centre of Excellence for Law and Technology at IIT Delhi.

Prof V Ramagopal Rao | Director, IIT Delhi
How We Engaged

ADAPTING TO THE NEW NORMAL

The COVID-19 pandemic and lockdown forced a reckoning within the judiciary on the need for digitisation. At DAKSH we saw this as an opportunity to build upon our work on a next generation digital platform in the light of the judiciary’s transition to digital modes of working. In April 2020, soon after the first lockdown was imposed, we wrote a paper titled Video Conferencing in Indian Courts: A Pathway to the Justice Platform which created a framework for implementing virtual courts in the future. This paper and the larger issues around virtual courts were discussed in May 2020 in a webinar titled ‘Video Conferencing in Indian Courts’ with Hon’ble Justice A.K. Jayasankaran Nambar, Jamshed Mistry, and Harish Narasappa, moderated by Leah Verghese. We also provided ideas on practices and protocols for courts to function during the times of the COVID-19 pandemic in a note. These were discussed in a webinar moderated by Sandhya PR with Hon’ble Justice (Retd.) A.V. Chandrasekhara and Dhruti M. Kapadia as panelists in May 2020.

Between July and September 2020, DAKSH undertook a rapid review of lawyers’ experiences of accessing courts during the COVID-19 pandemic. It covered district courts in Delhi (Shahdara and Central Delhi), Madhya Pradesh (Bhopal, Barwani, Morena, and Sidhi) and Karnataka (Bengaluru Urban, Dakshina Kannada, and Kalaburagi). Set in the background of India’s first large-scale implementation of online hearings, e-filing, and e-payment, the findings of this review will be
The end of Phase II of the eCourts project provided an opportunity to create a vision for a next generation justice platform for the next phase of the project. This whitepaper series released in February 2020 was an outcome of that visioning exercise. It provides a roadmap for
transforming the justice system that is not merely technology-oriented but sets goals and proposes strategic, technical, legislative courses of action to reach these goals. The first paper describes the vision for a citizen-centric justice system and the principles that form its core. The second paper in the series lays out the implementation strategies necessary to bridge the technical gap between current systems and those required to fulfil the vision described in the first paper. The third paper in the series proposes a legal framework to govern this public platform, including aspects of privacy protection and an administrative structure to manage it. The fourth paper in the series provides an overview of the existing implementation of video conferencing and provides a framework for implementing virtual courts in the future. The fifth paper in the series charts out the prevailing conditions pertaining to access to laws, discusses the relevant factors impacting access and recommends building a single source for laws.

These papers were referenced in the interim report of the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on the ‘Functioning of virtual courts/court proceedings through video conferencing after the COVID-19 pandemic’ released in September 2020.
The whitepaper series was discussed in webinar titled ‘Courts of the future’ with Hon’ble Justice Ravindra Bhat, Prof. Orna Rabinovich-Einy, and Santosh K. Misra, moderated by Surya Prakash BS. in April 2020. The series was also discussed on the Pragati Podcast in June 2020.

### A Brief History of Video Conferencing in the Indian Judicial System

- **2002**: Supreme Court in Salem Advocate Bar Association v. Uol allowed the use of audio-visual apparatus in civil cases for recording of evidence under C.P.C.
- **2003**: Supreme Court in State of Maharashtra v. Dr. Praful B. Desai, interpreted Cr. P.C and allowed the use of video conferencing during evidence stage in a criminal case.
- **2008**: Cr. P.C. was amended to include the use of audio-video electronic means.
- **2014**: Supreme Court e-committee had initiated a pilot exercise to study video conferencing in certain jails and courts.
- **2016**: Video conferencing equipment were installed in 704 locations in the country.
Supreme Court said that proceedings in cases of constitutional and national importance should be live-streamed in Swapnil Tripathi v. Supreme Court of India

In the backdrop of COVID-19 pandemic, Supreme Court directs courts to start using video conferencing technologies and pass appropriate rules

2017

Supreme Court in the case of Santhini v. Vijaya Venketesh allows the use of video conferencing in family courts

2018

488 court complexes and 342 jails in the country had a video conferencing set up

2019

2020
COMMITTEE WORK

Harish Narasappa, along with representatives of other partner organisations, were part of a sub-committee of experts set up in May 2020 to assist the Supreme Court eCommittee to envision Phase III of eCourts Project. This sub-committee assisted in preparing the draft *Vision Document for Phase III of eCourts Project*, which was placed in the public domain for comments in May 2021. Harish Narasappa was a member of the committee which assisted the Supreme Court eCommittee with drafting the *Draft Model Rules for Live-Streaming and Recording of Court Proceedings*. He is also a part of the Digitisation Committee of the eCommittee tasked with evolving protocols for scanning physical records, storing and retrieving them. The DAKSH team is assisting with these projects.

JUSTICE FRUSTRATED: THE SYSTEMIC IMPACT OF DELAYS IN INDIAN COURTS

The third volume of our flagship report holistically analysing the functioning of the Indian judiciary, *Justice Frustrated* was released in July 2020. This volume examines the effects of delay at multiple levels—individual, institutional, societal, and systemic—through critical data analyses. It also presents an innovative use of cross-disciplinary methods to understand what causes delay, how its impact can be measured, and how its effects can be anticipated and avoided.

In conceptualising this volume, we sought to go beyond dissecting the problem of judicial delay (and its causes and manifestations) to gain insight into the effects of delay—to understand the practical repercussions of judicial delay on the lives of people, organisations, institutions, and society itself.
To this end, the chapters in this volume address the effects of judicial delay on society, bring to light the socio-economic impact of judicial delay on various categories of litigants as well as on different types of cases, and shed light on some lesser-discussed ways to understand the problem of judicial delay.

The book can be purchased [here](#). The virtual launch by Hon’ble Justice (Retd.) RV Raveendran can be seen [here](#). The book has been discussed on [BIC Talks](#), the [NSOJ Tannoy Podcast](#), and the Know Your Kanoon podcast. The book was also covered in [Bar and Bench](#), [Hindustan Times](#), [ThePrint](#), and the [Law and Other Things](#) blog.
DAKSH launched a new initiative, MĀRGA – Media And its Role in Governance and Accountability, on Republic Day, 2021. The idea of MĀRGA arose from a realisation that the quality of media reporting on the justice system's functioning and other public institutions has a direct bearing on the level of public trust in these institutions. MĀRGA was launched with an inaugural online discussion on the media’s relationship with the law and justice system. The panellists for the discussion were Hon’ble Justice Rajiv Shakdher, Hon’ble Justice Gautam Patel, Apurva Vishwanath, and Harish Narasappa, with Surya Prakash BS as the moderator. As part of this initiative, DAKSH is exploring avenues to deepen democracy through strengthening the role played by the media.
Through MĀRGA we will work on:

- The manner in which the media can improve its reporting on the justice system and other public institutions.
- The nature of specialised training required for media practitioners in this area.
- The mode through which interaction by the media with such institutions could be made structured, reliable, and timely.
- Building a community of practice to share ideas, experiences, and best practices

DAKSH and NSoJ entered into a collaboration and published articles on current topics of legal importance. The organisations have so far written about legal actions taken against dissenters, custodial deaths, and cases against Bihar's politicians.

DAKSH also conducted a certificate course on ‘Justice System Journalism’ in collaboration with the National School of Journalism, Bengaluru between 26 - 31 March 2021, to equip participants with a nuanced understanding of the justice system and the tools to report fairly and accurately on legal developments and court cases. Since then DAKSH has conducted guest lectures and workshops in Bangalore University, NMKRV college, Commits College, Christ University, St Teresa’s College and Presidency College.

A webinar on ‘Media and Law Enforcement Agencies’ was held on 26 February 2021 with Meeran Chadha Borwankar, Gaurish Akki and Aditya Bharadwaja as panellists, moderated by Leah Verghese and Timothy Franklyn. The panellists discussed the relationship between these two institutions and how their interaction can be improved to develop mutual respect while advancing the fair administration of justice.
A discussion titled ‘Over the Top: Rules for Digital Media’ was held on 19 March 2021 at the Bangalore International Centre with Prakash Belawadi, Ragamalika Karthikeyan, Sudhir Krishnaswamy and Harish Narasappa as panellists. The discussion focussed on the recently notified Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, to regulate digital content.

On 25 June 2021 we hosted a discussion titled ‘From Scandal to Narrative’ on investigative reporting on the justice system. Avirook Sen and Prof. Probal Chaudhuri - two renowned authors discussed the importance of investigative reporting and lack of such reporting once cases go to trial. Their books had uncovered many facets of two famous cases, the Aarushi Talwar murder case and the Dhananjay Chatterjee case, that were not reported by the media. The discussion was moderated by Lorna Phadke.
We hosted a discussion exploring the role of fair and ethical reporting in economic crimes. Lorna Phadke moderated this discussion with Tamal Bandyopadhyay and AK Bhattacharya. The panelists discussed the responsibility of the media to report such crimes, the risks faced by journalists covering such issues and the systemic issues within the media landscape that affect such reporting.

**Year 1 of MĀRGA**

- 321 students reached
- 29 working journalists reached
- 1587 audience members

**COLLABORATION WITH THE INDIAN INSTITUTE OF TECHNOLOGY, DELHI**

The DAKSH Centre of Excellence (CoE) for Law and Technology at IIT Delhi was established on 9 October 2020. The CoE is conducting interdisciplinary research to explore and understand various aspects of the justice system. As an interdisciplinary centre harnessing the strengths and experience of IIT Delhi and DAKSH, the CoE will leverage rigorous research to produce a real-world impact on the functioning of the justice system.

The establishment of the CoE was covered by NDTV, Indian Express, Education Times, and Jagran Josh. Prof. Daniel Martin Katz, Rahul Matthan, Dr CK Mathew, Roland Vogl and Vikramjit Banerjee are the mentors for the CoE.
In May 2021 the CoE organised a talk by Daniel Katz, Professor at Chicago Kent College on ‘Modelling the Law and Justice System’. In this talk Katz discussed the intersection between law and technology and solutions that could be built to address the most pressing problems in the justice system.

The CoE released its first report on *User Experience and User Interaction Evaluation of Indian High Court Websites*. In the report, the CoE studied the user interface and user experience of the websites of six High Courts: Bombay, Calcutta, Delhi, Karnataka, Madhya Pradesh, and Madras. The evaluation consisted of three elements: a user experience test, a task-based usability test, and a heuristic evaluation of the websites. The suggestions in the report will enable courts to design websites that enable access to justice and improve access to information while catering to diverse stakeholders. The report was launched with a panel discussion with S. Ravindra Bhat - Hon’ble Justice (Supreme Court of India) Prof. Aneesha Sharma - Associate Professor Department of Design, IIT Delhi moderated by Surya Prakash BS of DAKSH.

The CoE is curating a first of its kind book in India on the state of play of technology in the law and justice system. It will cover a wide range of issues focussed around the use of technology in making law and justice systems more efficient, legal practice more productive, justice more accessible to the citizens, and around whether and how such technology should be regulated, and financed. The first authors' roundtable discussion featuring some of the finest thinkers in India in this area was held on December 2, 2021.

The following projects are underway at the CoE:

**Court and Case Management using Simulation Modeling**
This project aims at developing simulation models for court and case management. In the spirit of the five steps of DMAIC (an acronym for
Define, Measure, Analyse, Improve and Control), this project will study the status of court/case management in the Indian judicial context (with a focus on one High Court) to suggest improvements in the context of throughput and backlogs.

**Cheque Bounce Study in the Indian Court System**
This project is examining cheque-bounce cases in district courts to understand the volume of such cases, their duration, the time taken at various stages of the cases, and the causes for delay. This project will contribute to the growing literature on demonstrating the use of quantitative approaches in solving systemic problems in the field of law and justice.

**Sahay: An AI-based Legal Assistant for Common People**
The objective of this project is to create the prototype of an AI-based legal assistance tool to help common people navigate the area of consumer grievance redressal/dispute resolution using a multidisciplinary approach. The tool would help people understand their legal rights under specific circumstances, and the options they may have to seek legal relief in case of infringements on such rights.

**ROLE OF COURT MANAGERS IN THE INDIAN JUDICIARY**

In an interesting experiment in functional specialisation within the judiciary, the post of Court Manager was created in 2010 to assist judges with the administrative tasks. Since more than a decade has gone by since then, it was an appropriate time to evaluate how the experiment has worked. Our paper brings to the fore challenges that Court Managers face and highlights the need to enhance their role in the judicial system. Based on interviews with Court Managers and
a comparative examination of the functioning of Court Managers in different countries, the paper recommends steps to expand their roles and strengthen their position in the Indian judicial system.

**CALCULATING JUDGE STRENGTH**

Adequate judge strength is essential for an effective judiciary. With cases constantly being filed in all tiers of the judiciary, it is important that the requisite judicial strength be available to tackle the caseload. While dealing with the basic question of how many judges are needed, several countries have devised methods to determine the optimal strength of the judiciary.
This paper highlights the limitations that inherently exist in each of the models that have been proposed in the past and proposes a time-based weighted caseload model as the best approach towards judge strength calculation. Several European countries and the United States of America (USA) have modelled the weighted caseload method as per their needs. However, applying the method without contextualising it to the Indian scenario will not fetch the right results.

A FRAMEWORK FOR THE NATIONAL TRIBUNALS COMMISSION

Tribunals form an integral part of the Indian justice system. Their failure to achieve the objective of efficient dispute resolution has led to a widespread recognition of the need for administrative reforms of tribunals. The Union Government has attempted to achieve this by passing rules to rationalise and consolidate tribunal administration, but these attempts have been the subject of numerous challenges in the Supreme Court of India. Over the course of these challenges, the idea of creating a ‘National Tribunals Commission’ (NTC) to independently appoint, supervise, and administer tribunals has emerged as a solution. Our paper A Framework for the National Tribunal Commission discusses relevant constitutional, organisational, and operational considerations, and identifies the framework required to enable the NTC to achieve its goals. The paper also recommends an implementation plan, factoring in pragmatic considerations.

JUDICIAL DATA REGULATION

Judicial data exists at the confluence of the strong currents of open justice and privacy. Citizens are presumed to have a right to inspect court records to ensure that courts are exercising their powers competently, fairly and within the limits of their mandate. However,
judicial records contain massive amounts of personal information about the various people involved in a given dispute. Our two papers on Judicial Data Regulation aim to address the challenges resulting from digitisation and remote access, and discuss regulatory approaches to safeguarding open justice in the face of these challenges.

DAKSH DATABASE

Inadequate judicial data has been hindering judicial reforms for a very long time in India. But with the creation of the National Judicial Data Grid and eCourts, the lack of data is not a problem anymore. However, the publicly available judicial data is not in a useable form. DAKSH began collecting primary data from the public domain through daily cause lists of six High Courts – Karnataka, Hyderabad, Delhi, Madras, Gujarat, and Orissa in January 2015. In May 2015, DAKSH started scraping data from eCourts.gov.in / National Judicial Data Grid on the cases pending in the lower judiciary. DAKSH’s database currently has information on cases from 6,397 lower judiciary courts in 174 districts.

There are three levels of data in the database:

- **Case Level**: All information related to the case. E.g. case number, status, petitioner / accused etc.
- **Hearing Level**: All information on the hearings of a case. E.g. hearing date, stage, presiding officer etc.
- **Summary Level**: Data at the aggregate level. E.g. total civil cases, total pending cases etc.

In order to simplify the process of analysing judicial data we have published a paper titled Deciphering Judicial Data: DAKSH’s Database that examines issues of data inconsistencies and shares our efforts in harmonising the data publicly available on the e-courts website.
DAKSH’s Ninth Annual Constitution Day Lecture was delivered by Bibek Debroy on the topic “Indian Federalism: The Journey So Far”.

On 15 July 2021 we hosted a discussion on a ‘Framework for Regulating Judicial Data: Balancing Open Courts and Privacy’ with Pranesh Prakash, Dr. Natalie Byrom and Jaideep Reddy. The panellists discussed the nature of judicial data and whether and how access to it should be regulated. They also discussed the need to evolve a framework to govern access to judicial data that preserves open justice in the digital world while addressing the privacy challenges that it raises.
We hosted a virtual discussion on transcription of court proceedings with Jamshed Mistry, Anupama Hebbar, and Amrish Kilachand, moderated by Shruthi Naik.

DAKSH’s tenth Constitution Day Lecture was delivered by MR Madhavan, Co-Founder and President of PRS. His lecture titled ‘Reading between the Lines: Norms and Conventions make the Constitution work’ looked at constitutional norms that have started breaking down over the last couple of decades and constitutional challenges that arise as a result.
DAKSH in the News

Our team engages and responds to contemporary developing by writing op-eds in various print and online publications.

1. Leah Verghese and Shruthi Naik, Flawed Foreigners Tribunal, The Hindu, 21 October 2020. (An analysis of cases of suspected foreigners decided arbitrarily and callously by Foreigners Tribunals in Assam)


3. Leah Verghese and Shruthi Naik, Caught In A Bureaucratic Web, The Hindu, 5 March 2020 (An analysis of case of suspected foreigners decided by the Gauhati High Court)

4. Harish Narasappa, ವಿಧ್ಯಾನದಲ್ಲಿ ಮಾರ್ಗ ನಿರ್ದೇಶಿಸಿದ ಸತ್ಯತೆ, Prajavani, 6 March 2020. (A description of the ethical obligations of lawyers in the context of bar association sponsored boycotts of certain suspects in criminal investigations)
   (A description of how as Covid-19 spreads in jails and prisoners are released, the police continue indiscriminate arrests, adding to the prison population.)

   (An analysis of virtual courts handling traffic challans in Bengaluru and their role in tackling the city’s traffic problem)

   (India’s already overcrowded jails have 3.3 lakh undertrials. An analysis of why most won’t get a speedy, surety less bail like the Republic TV chief.)

8. Shruthi Naik, *Indian judges are overburdened, looking after legal aid shouldn’t be on their plate too*, The Print 26 December 2020.

   (A description of the compulsory retirement order in the judiciary that can be used to weed out officers who are inefficient and is often issued in public interest.)

10. Siddharth Mandrekar Rao, *Will increasing number of courts aid India’s judicial backlog? Data shows otherwise*, The Print, 22 December 2020
    (An analysis of data which shows that in some cases, new courts and transfer courts performed worse than courts which did not transfer cases to new courts to help with backlog)
11. Leah Verghese, *Ensure access to justice in a post-Covid world*, Hindustan Times, 7 January 2021
(An argument that any move towards the online functioning of courts must account for the digital divide in India)

(A description of increasingly bizarre bail conditions being imposed by judges in various parts of India)

(An argument in favour of addressing larger systemic inefficiencies in the listing of cases, ensuring effective hearings and implementing case flow management.)

(A description of how the implementation of an integrated digital platform for the criminal justice system would ensure speedy justice)

15. Aakanksha Mishra and Siddharth Mandrekar Rao, *Restructuring the tribunals system*
(An argument in favour of setting up a National Tribunals Commission)

(A description of the public prosecutor’s ethical obligation to balance the interests of the victims, the accused, and society)

(An argument against keeping sedition in India’s statute books)
DAKSH’s Footprint

9 PAPERS
11 EVENTS
17 OP-EDS
6 PODCAST APPEARANCES
7 WORKSHOPS

6152 PEOPLE REACHED VIRTUALLY AND PHYSICALLY

37% INCREASE IN VISITORS TO THE WEBSITE OVER PRECEDING PERIOD