E-Judiciary in Land Issues

A Step to Ensure Faster, Fair and Transparent Judicial Service of Bangladesh

By:

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Under the Supervision of:

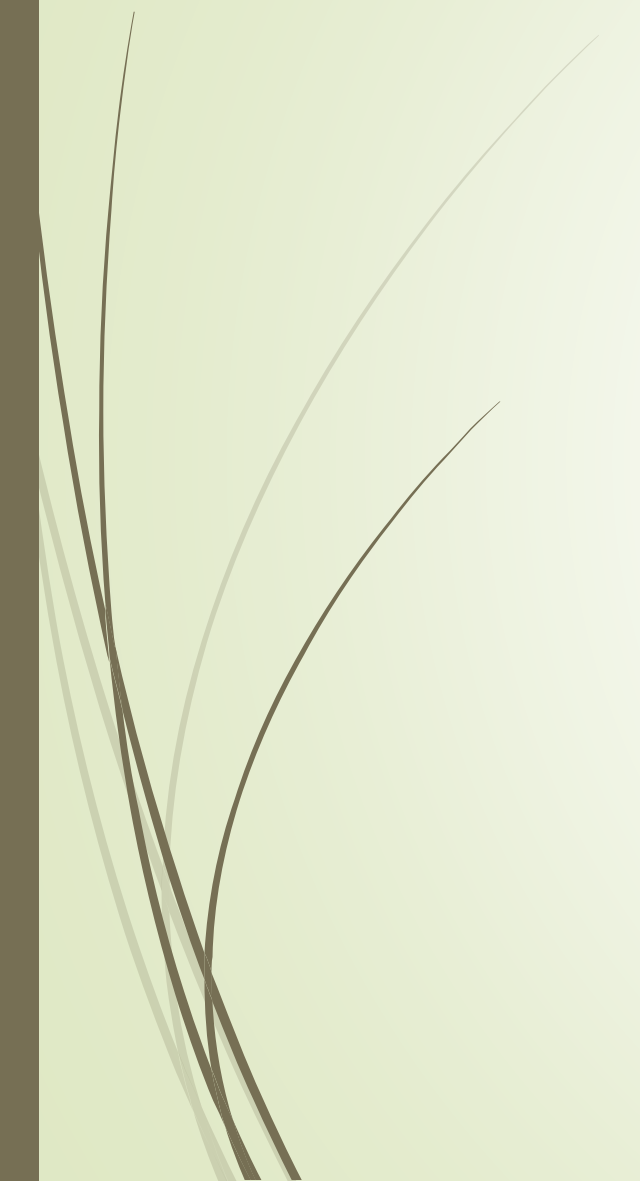**Prof. Dr. Mohammad Osiur Rahman**

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Introduction

- Digital Bangladesh is one of the most commonly used words of this decade in Bangladesh. It aims to provide e-governance with maximum digital support to all the sectors of Bangladesh by 2021. By walking toward this goal, country already has attained remarkable success in different sectors like economy, education and ICT. Judicial Service is mostly need the touch of digitalization as this sectors are known as one of the most corrupted sectors in our country.

- In some report it is clearly mentioned that 80% of the cases in the court are land related.

- E-judiciary in land issues can provide a fair and transparent service to the justice seekers with minimum time.

Problem Statement

- The real scenario of our judicial system is awfully worse; the court buildings, record rooms and other mechanisms have no minimum touch of digitalization which has created an unbearable logjam of cases. The existing system of slow, interrupting and expensive justice delivery cannot give remedy of people grievance.

- Rural marginalized people usually suffer in every stage by middlemen, court officials or even by lawyers. Thus they become frightened to ask remedy.

- Illegal transaction, corruption, bribery, fraudulent can never be stamped out due to the deficiency of digitalization.

- The number of pending cases in all courts stood at 3156878 of 31 December, 2016 wherein UNDP forecasted the case backlog may reach 5000000 by 2020. According to Justice Audit Bangladesh 2018, the number of cases pending with chief judicial magistrates courts increased 14 percent between 2016 and 2017. At the sessions judge courts and the High Court Division, pending cases rose 16 and nine percent during the same period.
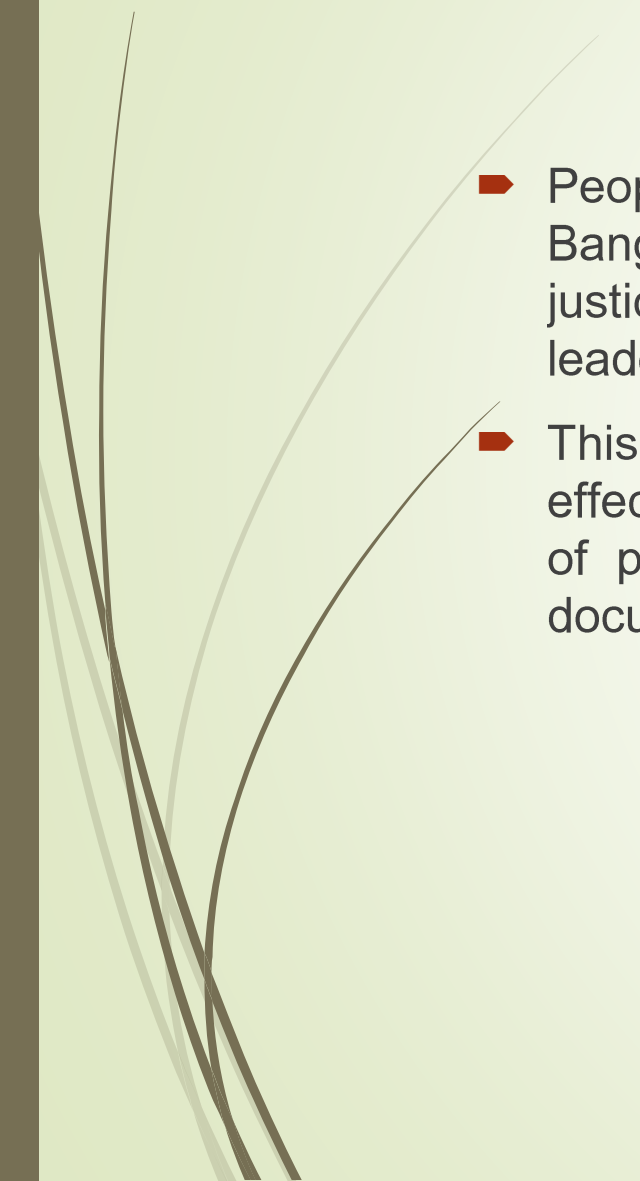
Problem Statement

- The backlogs of pending cases not only cause unbearable sufferings to justice seekers, but also increases the prison population rapidly. Currently, the countrys prisons have twice the inmates their capacity even though crime has not increased that much.

- One of the reasons of this case backlog is shortage of judges in court. Each lower court judge, on average, is overburdened with around 2,000 cases for their hearing and disposal. A total of 1,397 judges have been dealing with more than 27.5 lakh cases across the country. A report in 2012 stated that 86 High Court judges were overseeing more than 4.31akh cases.

- It is said that 80 percent of criminal offenses today stem from land disputes. A survey led by TIB in 2012 shows that 54.8% of the households that received services from the land administration paid bribe and unregulated money. The survey also shows that the households in Bangladesh paid TK 2,261.2 Crore during the period between May 2011 and April 2012 as bribe or illegal money in land administration sector. It was found in the survey that 59% of the households who received services were victims of corruption and harassment.
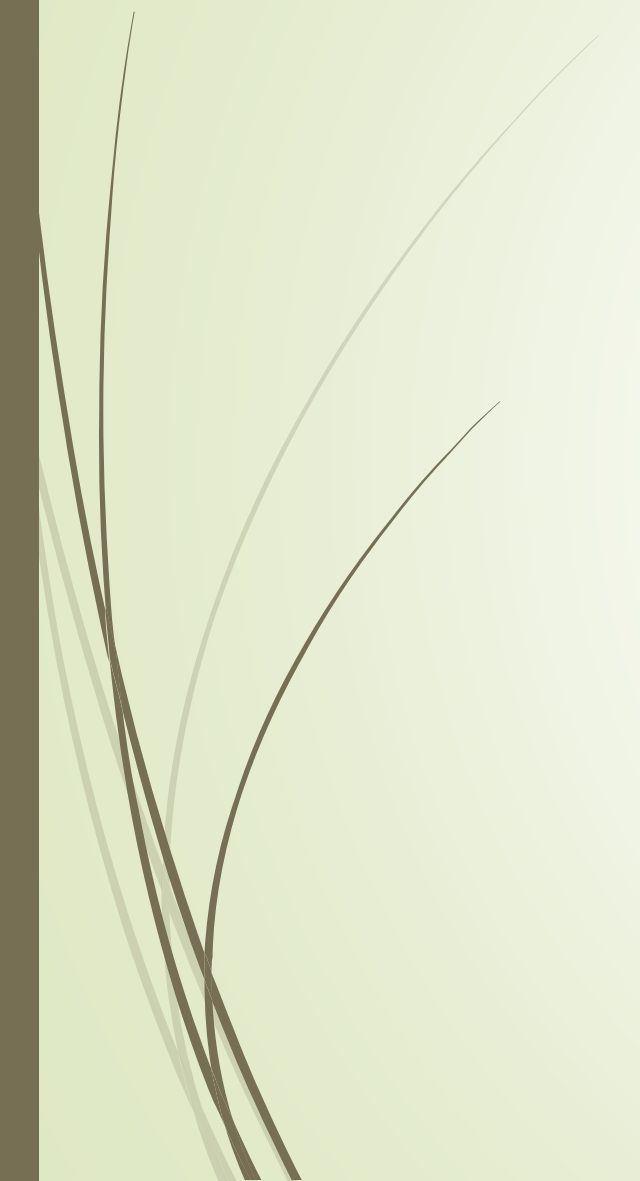
Problem Statement

- People have lost their faith from our judiciary system. According to Justice Audit Bangladesh 2018, only 13 percent people of Bangladesh prefer going to courts to get justice, and the rest, despite having faith in the judiciary, would rather have community leaders solve their issues.

- This paper focuses on few issues that are needed to be introduced for an efficient, effective and transparent e-judiciary system which will reduce the unbearable affliction of people who are facing hazard in trial of court due to insufficiency of proper documents or any fraud land deeds.

Objectives

- Developing a digital archive system

- Developing a management and retrieval system

- Introduce transparency in the judicial system thereby reducing corruption

- Increasing speed of disposal rate of case

- Get relief from fraud land deeds in court

- Reducing the chance of error in verdict

Current System

- In the current system, litigant needs to wait for a long period for justice due to huge backlog of cases. The average time a case remains pending is approximately eight years, while a few cases have been continuing for nearly 40 to 50 years. A bulk portion of these pending cases are involved with millions of family members of ill-fated families. A mutation suit, correction of records-of-right, pre-emption suit may engulf 15-20 years in average that creates serious denial of justice.

- In the current system, on hearing litigant and defendants present their own land deeds and other documents to court room deputy and Judge. In most of the cases, it becomes very difficult to find out the fraud deeds. Sometimes powerful parties threat their weaker opponents and with the help of some corrupted people they make fraud deeds and documents to present in court.

- Our civil courts do not have any access to check the documents presented by the parties.
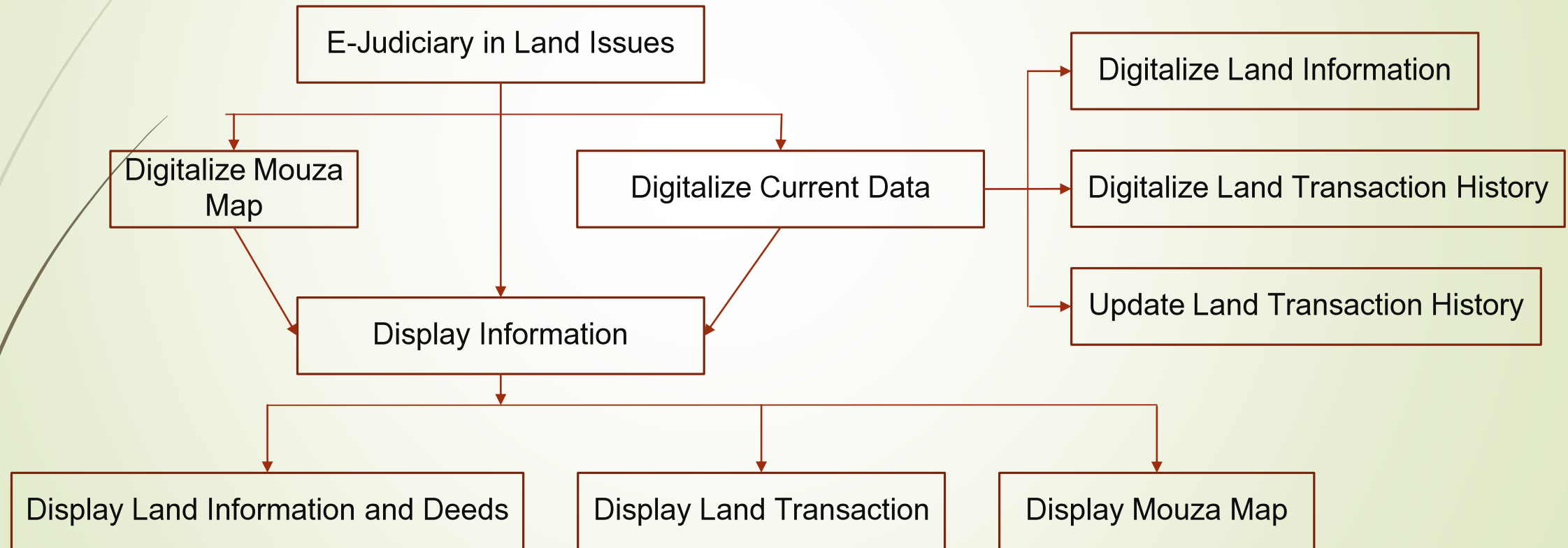
Current System

- On September 2019, Law Minister declared about a project e-judiciary to improve the current situation of the judiciary system. In this new e-judiciary project, court rooms will be facilitate with modern technology, case records and verdicts will be preserved digitally. But this project is more focused on creating e-judiciary with which litigant people can get information in home rather than going to courtroom or chamber of lawyers. As in the huge backlog most of the cases are land-related, thus it is extremely necessary to dispute the land issues in minimum time.

Proposed System

To solve the current problem, we proposed a system that can be implemented into three phases:

Proposed System

1. Digitize the current data :

- Digitize Land Information (Owner Information, Land Information, Type, Land area in daag and amount of owners land area)

- Digitize land Transaction History (Land id, daag no, transaction date, seller and buyers information)

- Update Land Transaction History (authentic users update the transaction of the land with the buyer seller id and other details)

- For digitizing the information we will use PHP, HTML, CSS, JavaScript, Jquery, Ajax and MySQL

Proposed System

2. **Digitize the Mouza Map :**

There are several techniques to digitize the current mouja map into an advanced map. Among these most cost and time effective technique is Scalable Vector Graphics (svg) map. In SVG technique,

➼ The current mouza maps are scanned with an open source software

➼ Convert the scanned document into .svg file

➼ Save the path of the file into the specific daag no tuple in the database

➼ For digitizing the information we will use a scanner, open source .svg converter and MySQL database.

Proposed System

3. Display Information :

➥ Display Land Information and Deeds (Information Retrieve by the daag no where it will show all the owner of the land of that daag. Information can also be retrieve by the users id where it will show the information of that specific portion of the land of that daag which owns by the land owner)

➥ Display land Transaction History (Transaction information can be retrieve by the daag no. where it will display all the transaction od that specific land occurred)

➥ Display Mouza Map (It will display an advanced mouza map where it will also display the neighbor land map of the daag)

Conclusion

- In Bangladesh, unfortunately Judiciary and Land sectors are recognized as the corrupted sectors because of its obsolete and pen-paper procedure. I hope this proposed system may remove all the intercepts and obstructs, and will help to make the judgment sector faster. Day by day people are losing hopes from our justice system due to corruption and fraudulent. Every year a huge amount of time and money is wasted to solve land related cases. This paper presented a way of using technology in judicial system for Bangladesh.

- We proposed a technique to convert the paper based into digital format. We proposed the most cost and time effective technique which will be easy and convenient to search and retrieve. We developed a Web Interface for searching specific land information and its history of transaction. This paper describes how the proposed system can make our judicial service faster, fair, transparent and user-friendly and this can be an effective replacement of the existing system.