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A Critical Review on National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary-2005

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Abstract:

The e-Committee of the Hon'ble Supreme Court was established in 2004 via an order of the Ministry of Law and Justice in pursuance of a proposal received from the then Chief Justice of India. The e-Committee is the governing body charged with overseeing the e-Courts Project conceptualized under the "National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary-2005". Phase III of the e-Courts project envisions a judicial system that is more accessible, efficient and equitable for every individual who seeks justice, or is part of the delivery of justice, in India. Digital Courts (i.e., courts equipped with a foundational Digital Infrastructure platform combined with simplified and re-engineered administrative procedural design) can lay the foundation of a future in which digital services are widely adopted. Such adoption will be an outcome of an evolving and open technology infrastructure that enables the creation of solutions specifically catered to the diverse and unique needs of lawyers, citizens, government institutions, companies, court employees and judges. The e-Courts mission commenced in 2005 with a vision to enhance judicial productivity both qualitatively and quantitatively, and also make the justice delivery system affordable, accessible, cost effective, transparent and accountable. It set in motion the processes of digitization of the judicial administration process across approximately 19,000 courts in India.

Keywords: Artificial Intelligence (AI), Case Information System (CIS), Case Number Record (CNR), Department of Justice (DOJ) and Key Performance Indicators (KPI).

1. Introduction:

The use of information and communication technology (ICT) is measured one of the main elements to meaningfully improve the administration of justice. The accessibility of web services, the option of consulting on-line regulation and case law, the usage of electronic filing, the electronic swap of legal documents, are only some illustrations that are urging the judicial administrations around the world to reconsideration their current functions and activities? Justice is the creation of the combined strength of a plurality of actors. Some of these actors, such as administrative personnel and judges, function within the court organization, while others, such as lawyers, litigants and witnesses, but also the community and public institutions, represent the environment within which the court traditionally function. In courts across Europe, a number of other applications have been established that use mechanized register data. Some of these applications have a extra strategic focus. For example, the provision of management information and statistical reporting can play significant role in the organization and administration of court offices. Several applications have been considered to help and to automate judges' activities. While many of the tools labelled in the previous section are 'organizational tools', most of the technology for backing the judges' activities are 'individual tools'. ICT backs the work of the judges in several areas, including the organization of the activity, the information management and retrial, document production and the decision-making.

2. Review of Literature:

In practice, e-government projects have been more successful in countries with strong institutions. Although project performance varies from country to country, project results are strongly related to the quality of government institutions. This

quality can be measured by governance indicators such as a. voice and responsibility b. political stability and the absence of violence c. government effectiveness d. regulatory quality and e. control of corruption **(World Bank Group, 2018), (Zhu & Kindarto, 2016).** In many countries, the governance of the justice system is too centralized. The Ministry of Justice and the Judicial Council have overall responsibility for the organization and functioning of the courts and prosecutor's offices. The main roles of the Ministry of Justice are focused on management and service provision including the development and deployment of ICT in judicial services. However, the recruitment, assignment, transfer, career advancement and disciplinary measures for judges and prosecutors are managed centrally by the Judicial Council. Thus, the administration of justice by several public administrations and governing bodies in has been a hindrance to the development of e-justice through lack of coordination and conflict of power **(Martínez & Abat, 2009).** The main objective of e-justice should be the improvement of access to justice and the frequent and recurring use of electronic services by justice stakeholders not only for obtaining information but also for completing a judicial service. Also, the success and effectiveness of e-justice are key to measuring the return on European investments made to improve the performance of the justice system **(CepeJ, 2016).**

3. E-committee Supreme Court of India, 2022:

The e-Committee of the Hon'ble Supreme Court was established in 2004 via an order of the Ministry of Law and Justice in fulfillment of a proposal obtained from the then Chief Justice of India. The e-Committee is the governing body charged with supervising the e-Courts Project conceptualized under the "National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary-2005". The e-Courts project is a pan India initiative watched and financed by the Department of Justice, Ministry of

Law and Justice, Government of India. The Chief Justice of India is the Patron in Chief of the e-Committee. The e- Committee is lead by Dr. Justice D.Y. Chandrachud, Judge, Supreme Court of India. Former judge of the Bombay High Court, Justice R.C. Chavan is the vice chairperson of the committee. There are four other members who are part of the e-Committee.

4. Achievements and Challenges of Phase I & II:

The e-Courts mission began in 2005 with a dream to improve judicial productivity both qualitatively and quantitatively, and also craft the justice delivery system inexpensive, reachable, translucent and answerable. It set in motion the procedures of digitization of the judicial administration process across about 19,000 courts in India.

Planned and executed in two phases: Phase I and Phase II, with complete budget of INR 639.411 crores and 1670 crores separately, the project has so far allowed the creation of infrastructure, systems and services for judges, lawyers and litigants. The following section arrests some of the key achievements of Phase I and Phase II.

5. For Lawyers and Litigants:

a) **Launch of Virtual Courts**: to lessen costs and rise speed of disposal of cases, virtual courts were set up for differences relating to traffic challans in various states.

b) E-seva Kendras were set up at all High Courts and one district court in each state to upturn access of information and services to litigants and lawyers on the other side of the digital divide. It empowers users to file cases online and retrieve court related information.

c) Information kiosks were set up at High Courts to deliver access to case information to litigants and advocates. A few instances worth emphasizing are: show boards outside the filing counters which update a user about filing status, deficiencies detected etc, a mobile based application which supports recover case information, and for legal aid services.

d) Unveiling of a free downloadable e-Courts Services App that delivers easy access and search of relevant case information (status, orders and cause list) using the QR code.

e) Setting up systems for e-filing of pleadings and supporting documents at High Courts and District Courts. This has permitted lawyers to file their cases 24x7 as per their handiness.

f) Setting up systems to receive e-payment of court fees, fines, penalties and judicial deposits at several High Courts to empower smooth payments online.

g) Several District Court websites have been rolled out to spread all information relating to the cases in their respective provinces.

h) Inauguration of automated emailing systems to deliver advocates and litigants with case status, next date of hearing, cause list, orders, if the email is recorded in the system.

5. For Judges :

a) Launch of 'JustIS Mobile App' for all judges in the district judiciary. It offers details of cases in their courts along with traits to support case management such as calendaring.

b) Few High Courts have developed dashboards or e-diary for judges representing daily discarding in addition to other details such as pending cases, number of judgements, etc which are accessible for every judge to track.

From the services and benefits highlighted above, it can be decided that the first two phases of e-Courts project have not only built a solid groundwork for the transformation of the judiciary at all levels but have also acceptable for innovation. The modular services established by individual High Courts are a testimony to the same.

In addition, the following measures were taken to create a supportive framework for the technology systems and services that were introduced:

i. Training programmes were created to train court masters, court staff, advocates and their clerks, District Court judges, High Court judges, trainee judicial

officers, system administrators, and registrars to use the services effectively. This was done by forming a large pool of master trainers who in turn trained other officials through training programmes established by the e-Committee in coordination with state judicial academies. Further, support for stakeholders was made accessible through kiosks and e-Sewa Kendra on court premises.

ii. Support materials were supplied through a consolidated 'Knowledge Management' tab on e-Courts website linking video tutorials on YouTube, brochures, and user manuals. In addition, pamphlets and e-filing manuals in regional languages were also created and uploaded.

6. Benefits for citizens:

Through a whole-of-system approach, emphasis on espousal of technology by users, and a healthy governance framework, Phase III aspires to create value for each user. While the full potential of Digital Courts will be cracked over time, certain illuminating benefits within the timeline of Phase III are discussed below.

For Citizens:

1. Better scheduling mechanisms, online digital filings, and different mediums of hearings will deliver certainty of events, increase access to courts from anywhere, and advance access to timely justice.

2. Digital orders in multiple regional languages will expressively mend understanding of the process and access to justice.

3. E-filings and virtual hearings will decrease legal and travel costs, thereby dropping the costs of accessing justice.

4. Pre-emptive alerts and information, live streaming of cases, and open data that would continuously grow and better the system, will increase translucence and trust in the system.

5. Real-time assistance through eSeva Kendras and helpdesks will allow users to exploit available services.

6. Case information across various courts can be identical in structure, which will allow tracking of case status in various courts simpler.

7. Conscious design will certify that courts are made more reachable to persons with additional challenges.

7. For Lawyers:

1. Smooth filings, service of summons / prior notice to the opposite party and hearings from their cities or homes will bring time and cost efficacies to their practice.

2. Make available the same records of files as the courts since the digital case file available with the lawyer / litigant will be identical to the court record of the case. Further, vicissitudes being in real time, will decrease the need for inspection or regular updation of case files by the lawyer / party. This will also shun issues arising from loss of case records or the need to rebuild case files.

3. Better programming will enable better time utilization.

4. Orders from different courts made accessible in regional languages will allow smoother transition of cases from court to court.

5. Digital hearings and e-filings will allow the practice of law to become more wide-ranging for women and differently abled lawyers.

6. Greater approach to information about similar cases will support making legal arguments and strategies.

7. Real-time assistance to help adoption of digitally enabled processes.

8. For Judges:

1. There will be greater data, information and support for decision making about the management of the case flow. Forms and data fields will be planned to arrest information relevant to support this process.

2. A united digital platform will enable courts to trace the progress of cases from the court of original jurisdiction through appellate courts.

3. Intelligent programming will support ordering of cases as well as time management.

4. Greater ease to search, track and index digital documents, will make it easier to retrieve facts and legal precedents in real-time.

5. Greater access to information and research tools.

9. For Court Staff:

1. Mechanizing processes for scrutiny and review of filed documents. Digital filings will optimize time, minimize errors and upsurge effectiveness of the Registry.

2. Lessen need on the physical registry.

3. Smart templates for orders and the design of case management systems being erected on top of machine-readable files can lessen workload of court staff by minimalizing need to input data.

4. Dedicated real-time assistance will lessen the burden on court staff in modifying errors and providing guidance on processes.

10. Scope of the study:

The research data will be useful to research scholars, students, teachers, government, universities and colleges in conducting further research.

11. Limitations of the study:

Time and money were main constraints. Only secondary data was collected to analysis and elucidated data.

12. Conclusion:

The guiding principle of Digital Courts is that a maiden digital Platform, united with simplified procedures, can improve access, intensify the existing capacity and progress the efficiency of the overall judicial administration system. It is necessary that the processes of digitization of all court files and extension of continuous and high-speed internet connectivity to all courtrooms across the country be finished as a priority. Further, to be strictly effective and transformative, it is significant that Digital Courts go well beyond digitizing existing processes. Given that most judicial processes and procedures grown in the predigital age, it is significant to observe whether such processes remain to remain relevant in a digital age or can be shortened and transformed to better serve justice. Existing processes must be reexamined for conformism with the

vision and original values of trust, empathy, sustainability, and transparency. It is serious to explore which processes can be made more well-organized using technology or be basically redesigned to allow courts to deliver services not previously imaginable.

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