

IMPLEMENTATION OF INFORMATION AND COMMUNICATION TECHNOLOGY IN INDIAN JUDICIARY

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October 5, 2005 marks a new era in the administration of justice in India. The E-Committee, established in 6th January 2005 under a Central Government order, prepared a National Policy and Action Plan for Information and Communication Technology Enablement of the Indian Judiciary. The Policy was approved by the Chief Justice of India in August 2005 and the project was launched by the Prime Minister of India on 05.10.2005. The Action Plan proposes a three-phase implementation of ICT in the administration of justice throughout the country at all levels.

What is provided below is an overview of the ICT plan as developed by the E-Committee. The initial implementation has commenced. Further information is available from the E-Committee website: www.indianjudicairy.in.

Preparing the Judges and the administrative personnel of courts to absorb the technology and develop court systems accordingly is a task which the training academies have to share with the E-Committee.

Editor

An Overview:

The Indian judiciary comprises of nearly 15,000 courts situated in approximately 2,500 court complexes throughout the country. The total pendency of cases in these Courts as on 01.01.2005 was 2,94,97,251; the individual break up being - Supreme Court - 30,151; High Courts - 33,79,033 and the District & Subordinate Courts - 2,60,88,067. These figures speak for themselves and as former Chief Justice M.N. Venkatachaliah lamented, “. . . justicing process are in a state of disrepair.”

To have an understanding of the attempts to introduce ICT in the Indian judiciary, it is necessary to appreciate the events that led to the formation of the E-Committee. In the Indian Judiciary, effort for computerization of some of its processes has been going on since 1990. Need was felt to make the programme of ICT enablement of the Indian Judiciary mission-critical. There was an overwhelming realization in the judicial sector in favour of devising a National Policy and Action Plan with appropriate spread and phasing to implement ICT in courts across the country and their web-based interlinking.

The then Chief Justice of India, Hon'ble Mr. Justice R.C. Lahoti made a proposal to the Central Government for constitution of an E-Committee to assist him in formulating a National Policy on computerization of Indian Judiciary and to advise technological, communication and management related changes. Appreciating the desirability of constitution of such a Committee, the Union Cabinet approved the proposal. Consequently, office order dated 28.12.2004 was issued by the Ministry of Law and Justice constituting the E-Committee under the Chairmanship of the present author, with three other specialist members. The mandate of the E-Committee was, inter alia, to formulate a National Policy on computerization of the justice delivery system and to draw up an action plan with appropriate phasing for time bound implementation. This Committee was also required to concurrently monitor and evaluate the action plan on periodic basis.

The E-Committee prepared a *Report on Strategic Plan for Implementation of Information and Communication Technology in Indian Judiciary* which was presented to the then CJI on 11.05.2005. This Report was circulated by the Hon'ble CJI to the Chief Justices of all the High Courts requesting them to consider the proposals contained in the Report and send suggestions as may be found advisable. Copies of the Report was also sent to leading jurists, academicians, concerned Ministers and ministries of the Union Government including the National Informatics Centre. The Report was discussed at the Law Ministers Conference held at Simla on 11.06.2005. The E-Committee also held detailed discussions with large section of ICT-related organizations, service providers, research and development experts and leading manufacturers to ascertain the existing status of the technology, its use in the context of court related processes, pricing, availability, security, implementation, scalability, sustainability, pace of change and support systems. Based on the inputs received from persons having expertise in diverse domains relevant for change management in Indian Judiciary, the E-Committee framed the NATIONAL POLICY AND ACTION PLAN FOR IMPLEMENTATION OF INFORMATION AND COMMUNICATION TECHNOLOGY IN THE INDIAN JUDICIARY. (1st August, 2005).

Under this National Plan, the E-Committee proposes to implement ICT in Indian judiciary in three phases over a period of five years. The following would give the reader a broad overview of the implementation strategy.

Phase I, which is proposed to extend for a two year period would seek to introduce ICT culture with requisite training at all levels. These include:

- Creation of computer rooms and Judicial Service Centers in all the 2,500 Court complexes
- Around 15,000 Judicial Officers would be provided with laptops
- Extensive ICT training to Judicial Officers and Court staff
- Arranging of awareness programs and training modules for lawyers
- Well structured database would be created of all the pending and fresh cases with user-friendly retrievable facilities
- Installation of wi-fi facilities and creation of video-conferencing studios in the Supreme Court and all the High Courts including Benches
- Creation of e-filing facility in Supreme Court.

At the end of this Phase, the following goals are sought to be achieved:

- ✓ Capacity building of the Judges – primarily, the subordinate court Judges – for delivery of speedy and quality justice

- ✓ Creation of National Judicial Data Center would provide litigational trends in the country for all levels and geographical locations supporting better management and policy decisions
- ✓ ICT modules would be available for assessing work performances
- ✓ There would be instant availability of status of cases, judgments and orders of all Courts through Internet, kiosks and Judicial Service Centers
- ✓ ICT would facilitate case flow management, online accessibility of orders, judgments and case related data
- ✓ Wireless connectivity to lawyers in and around Court complexes for accessibility of case status, cause lists, judgments and orders

In **Phase II** which is also sought to extend for two years, the Committee proposes to provide ICT coverage of judicial processes from filing to execution and all administrative activities. The steps intended to be adopted in this Phase are:

- Complete Automation of Registry level processes
- Digitilization of Law Libraries and Court Archives
- Digital availability of case laws, statute laws and law literature through the website of Indian Judiciary
- Availability of video conferencing facilities at all Court complexes
- Facilities for e-filing in at least all the superior Courts

All this, it is hoped would help to realize the following targets:

- ✓ Automate registry level (ministerial) processes eradicating delays, harassment and corruption at this level
- ✓ Digital production of under-trial prisoners and distant examination of witnesses through video-conferencing
- ✓ Online availability of legal resources to the Judges, lawyers and public at large
- ✓ Availability of e-filing facilities at High Courts

The **final phase** which would extend for a year would lead to the creation of Information Gateways between Courts and Public Agencies and Departments and use of advanced ICT and scientific tools. The specific programmes sought to be implemented would be:

- Establishment of Information Gateways between Courts and police stations, prisons, land record and registration offices as also other governmental agencies
- Use of bio-metrics and other high-end scientific tools.

The implementation of this Phase it is hoped would lead to:

- ✓ Availability of online information between the Courts, prosecuting and investigating agencies, prisons, land records and registration offices thereby accelerating disposal of civil and criminal cases
- ✓ Bio-metrics and scientific tools would help in identifying habitual criminals, professional witnesses and litigants and in resolution of complex factual disputes.

In conclusion, all that is sought to be highlighted by this paper is to make the readers aware of the blueprint formulated by the E-Committee to rejuvenate the Indian judicial system through the introduction of ICT. Moreover, the use of ICT to smoothen and accelerate case progression to reach its logical end within a set time frame would lead to complete demystification of the adjudicatory process thereby ensuring transparency leading to greater accountability to ‘WE THE PEOPLE.’