E-Courts: A Revolution in Legal Processes

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I. INTRODUCTION

Indian Judiciary is in urgent need of re-engineering its processes to optimize the use of its human resources and to bring about change management by harnessing the potentiality of the available Information and Communication Technology (ICT) to the fullest extent. The objective of this exercise is to enhance the judicial productivity both qualitatively and quantitatively so as also make the Justice delivery system affordable, accessible, cost effective, transparent and accountable. Similar objectives have been achieved in other parts of the world by use of technology but in India though its manpower is known for its technology expertise, the ICT benefits could not be fully explored and utilized in public service sectors like Judiciary and other organs of the State.[1]

The Chief Justice of India (CJI) made a proposal to the Central Government under the letter dated 05.07.2004 addressed to the Minister of Law and Justice for constitution of an E-Committee to assist him in formulating a National Policy on computerization of Indian Judiciary and 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 (Department of Justice) constituting the E-Committee under the Chairmanship of Dr. Justice G.C. Bharuka, a retired Judge of the High Court of Karnataka, with three other specialist members. The E-Committee was inter alias required to formulate a National Policy on computerization of justice delivery system and to draw up an action plan with appropriate phasing for time bound implementation. This Committee is also required to concurrently monitor and evaluate the action plan on periodic basis. The E-Committee prepared the Report on Strategic Plan for Implementation of Information and Communication Technology in Indian Judiciary which was presented to the CJI on 11.05.2005. The Judges of the Supreme Court, senior advocates and senior executives from Department of Justice, Ministry of Communication and Information Technology as also NIC were present on the occasion. The Report of the E-Committee was circulated by the Hon'ble CJI to the Chief Justices of all the High Court's requesting them to consider the proposals contained in the Report and sends suggestions as may be found advisable. Copies of the Report had also been sent to the leading jurists, academicians, concerned Ministers and ministries of the Union Government including NIC. The Report was made available to the Law Ministers of all the States as well at the Law Ministers Conference held at Shimla on 11.06.2005,[2] and elaborate discussions were held thereon. 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.[3] Based on the inputs received from persons having expertise in diverse domains relevant for change management in Indian Judiciary, the E-Committee has framed the present National Policy and Action Plan for its implementation during a span of five years from the date of its effective commencement. The Indian judiciary comprises of nearly 15,000 courts or more situated in approximately 2,500 court complexes throughout the country.[4] In the Indian Judiciary, efforts for computerization of some of its processes have been going on since 1990. From 2001-03, 700 city courts in four metros were computerized and during 2003-04, computerization of another 900 courts were undertaken. Need was felt to make the programme of ICT (Information & Communication Technology) enablement of the Indian Judiciary mission-critical. Under National eGovernance Policy (NeGP) as a Mission Mode Project (MMP), it is proposed to implement ICT in Indian judiciary in three phases over a period of five years. The project scope is to develop, deliver, install and implement automated decision making and decision support system in 700 courts of Delhi, Bombay, Kolkata & Chennai; 900 courts in the 29 capital city courts of states and Union Territories and 13000 district and subordinate courts.[5]

II. EMERGENCE AND NEED OF E-COURTS

Historical Background

E-Courts were initially conceptualized in 2004-05 as mission mode task to mechanize the legal procedures under the national e-influence plan. The then head equity of India, R C Lahoti, kept in touch with the focal government asking for the development of a council that might help in arranging and usage.[6] The venture, be that as it may, was affirmed just four years after the fact, with a culmination due date of March 2012. It is executed by the National Informatics Center (NIC), and subsidized by the branch of equity.

A year into the task, it was understood that there were a few weaknesses, including a lacking plan. The plan assignment was then almost multiplied to `935 crore, up from the prior `425 crore, and the amount of courts to be secured was likewise expanded from 13,348 to 14,249. The due date was overhauled to December 2013.

At first the task was to be executed in three stages over five years. The primary stage was to incorporate the usage of tweaked programming for the legal framework,

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including for territorial dialects. The second should accumulate legal methods into the ambit of Information Technology. The last stage was to focus on the production of a data portal between the legal, open and government divisions. Notwithstanding, confronted with a few tests all the stages were moved into one, and the usage due date was moved to March 2014. The authorities appear sure of gathering this new due date, to such an extent that the following phase of the task is as of now being proposed. They are likewise discovering a silver coating in the various postponements and due dates misses: lessening in expenses because of decreased duplication of methods.

"A percentage of the arranged exercises are as of now being carried out as a component of other e-influence programs under the Department of Electronics and Information Technology (Deity) and henceforth we may wind up sparing about `200 crore," said the senior authority.

Services Envisaged Under The Project

The administrations conceived under the undertaking indulge all key stakeholders including the Judiciary, the District and Subordinate Courts and the Citizens / Litigants / Lawyers / Advocates. One of the key profits of computerization of courts might be the robotization of Case Management. This might empower the judges to practice more terrific control over administration of cases. In addition, all courts will be connected and will have a National Judicial Data Grid, which might bring about the formation of the National Arrears Grid. This will help in survey and observing of pendency in cases the nation over. Subjects will have the ability to benefit benefits through Judicial Service Center at a court complex. These might incorporate Filing of cases, issuance of guaranteed duplicates of requests and judgments, data about Case status and so on.[7] Additionally, ICT enablement will make the working of the courts more proficient and will help the judges in speedier transfer of cases, which will at last have a positive effect on the equity conveyance framework.[8]

The following lists the services envisaged for various stakeholders under the e Courts project:

* **District and Subordinate courts:** Computerization of case administration workflow however utilization of Application programming – This might involve mechanization of exercises, for example, Case Filing, Scrutiny, Registration, Case Allocation, Court Proceedings, Details passage of a Case, Case Disposal & reclamation, Transfer of Case, Pendency information and Institution Registers, and Court Diaries, Calculation of court charges and so forth.

* **Citizens / Litigants / Lawyers / Advocates:** Citizens will have the capacity to benefit benefits through Judicial Service Center at a court complex. Some of these administrations might incorporate robotized case recording, issue of guaranteed duplicates of requests and judgments, getting data about case status

* **Judiciary:** Creation of National Judicial Data Grid and empowering checking of pendency in the easier[9]

* To provide efficient & time-bound citizen centric service delivery.

* To develop, install & implement decision support systems in courts.

* To automate the processes to provide transparency of Information access to its stakeholders.

* To enhance judicial productivity both qualitatively & quantitatively, to make the justice delivery system affordable, accessible, cost effective & transparent.[10]

Project Components – Brief Description

Brief description of approved project components is as follows:

i. **Creation of Computer Room at all the complexes / Site Preparation -** A dedicated space for housing the servers and connected ICT equipments (Computer Server area / CSR) is to be found out at every subordinate court. This can additionally function the Judicial Service Centre, subject service interface counter for provision of assorted services like case filing, standing enquiry, etc at the court complicated. Funds are transferred to the positioning preparation agency known by the High Courts for up gradation of existing civil infrastructure accessible for server rooms / judicial service centers at the court complexes. The fund quantity is predicated on the price estimates sent by them to NIC associated a higher limit of Rs 2.5 lakhs +/- 10 percent per web site.

ii. **Provision of laptops and laser printers to judicial officers.** It was planned to supply a laptop computer to every judicial officer to make them to access from their chamber, court area moreover as from their central office in a good manner. The project aims at building capability of of these judicial officers to supervise and guide the method of mechanization of courts

iii. **ICT Training for Judges & its Staff-** ICT coaching had been planned to be imparted to judicial officers associated court workers with an aim to form them acquainted and skilful within the use of ICT tools

iv. **Technical Manpower-** Technical hands is to be deployed in the slightest degree district courts, HCs, HC Benches and SC underneath the project. The technical hands can offer 'troubleshooting' support associated necessary maintenance and coaching support at the court complicated and assist in transition from a manual case management system towards an ICT enabled one.

Computer Hardware- To ICT change the subordinate courts within the country, it's planned to equip every court complicated withneeded component like desktops, printers, servers, scanners, projectors etc. every choose and his supporting workers are going to be given four shopper machines, three printers; sections like filing, nazarat etc are going to be given skinny shoppers and printers, and ICT hardware as servers, scanners etc are going to be put in at the pc server rooms in every court complicated

v. **Communication, Connectivity and Local Area Network –** Following has been planned under this head:

➢ Procurement and installation of Local Area Network (LAN) at all court complexes

➢ Provision of internet connectivity for judges/court complexes

> To connect all court complexes under State Wide Area Network (SWAN) and also provide for last mile connectivity from SWAN's Point of Presence (PoP) till the court complexes

vi. **Power Backup-** It is planned to supply UPS and metric weight unit sets to form the required power backup infrastructure for ICT infrastructure at a court complicated. UPS can offer power backup to desktops / servers and metric weight unit sets are going to be wont to offer power backup to ICT infrastructure at the CSR and also the JSC. Acquisitions of metric weight unit sets are going to be done at native level and UPS are going to be provided beside the pc hardware things.

vii. **Upgrading ICT infrastructure of Supreme Court and High Courts-** It is planned to upgrade the existing ICT infrastructure at SC and all HCs through provision of additional servers, client machines, networking equipment, power infrastructure, cabling etc under this project.[11]

viii. **Development of application software–** Application software system is planned for preparation in district and subordinate courts with the aim of automation of case management lifecycle and every one major process like case filing, scrutiny, registration, allocation, court diary / proceedings, etc. Cause lists, Case standing, certified copies of orders and duplicate of judgments will be created obtainable for on-line transfer or viewing. It's being developed by NIC beneath steering of software system Committee, chaired by Hon'ble e Committee Chairman.

ix. **Project Management, project monitoring and Change Management Consultancy -** To ensure sleek and on time implementation of the project, establish a observance mechanism for a project of this scale, and assist in modification management activities; provision had been created for hiring of external consultants.

x. **System Software, Office Tools, etc -** System software such as Operating System for servers, desktops etc, and office tools has been planned to be provided for the client machines / servers being provided under this project.

xi. **Digital Signature and Smart Card Solutions -** It is planned to provide all 13000 judges / judicial officers with a digital signature certificate, to enable them to digitally sign the judgments or any electronic official documents that require signature. Till date, purchase orders have been issued to vendor for 3000 smart card tokens. Delivery of same is under process.

xii. **Process Reengineering –** It is planned to carry out process re-engineering exercise for the case management and other processes. Methods and ways of improving the case management processes (through use of ICT) are to be explored, with the aim of increasing system efficiency and speeding up the judicial processes. It is yet to be taken up.

xiii. **Creation & Up gradation of Centralized facility for system administration-**A centralized facility is proposed to be created for the purpose of maintaining the Network Operating Centre, central database, managing judicial data grid and maintaining the dedicated portal for the use of the entire judiciary. It is proposed to use the NIC State Data Centres for co-locating servers for judicial data of each High Court, and set up one national data centre in NIC Data Centre and one Disaster Recovery site. It is yet to be taken up.

xiv. **Video conferencing in approx. 500 locations-** Videoconferencing was planned to establish video conferencing connectivity between 500 locations between prisons and district courts. Video Conferencing permits virtual interfacing of a Judge with witnesses, holding of conferences, meetings, production of under-trial prisoners, etc. The facility would need to be installed in the prison and within the court complex premise.

The project has been devised following the report submitted by the E-committee, Hon'ble Supreme Court of India on National policy & technology in the Indian judiciary.

The project will be implemented in 3 phases-

FIRST PHASE: Computer Server rooms (CSR) & Judicial Service Centers (JSC) would set up in all the court complexes. All judicial officers would be provided with laptops. Digital inter-connectivity would be established between all courts from the taluka level to the apex court. The project also aims at creation of e-filing facility in the Supreme Court & High courts. The first phase also envisages development of comprehensive & integrated Customized software application for the entire judicial system with regional languages support.

SECOND PHASE: it would be possible to provide ICT coverage of judicial process from filing to execution level & also of all administrative activities.[12]

THIRD PHASE: it would be creating of information gateways between courts, public agencies & departments.

III. E-COURT SOLUTION

Conceptualized and developed under the guidance of **High Court of Delhi** by the **Centre for Development of Advanced Computing (C-DAC),** the e-Court solution is a complete automation tool that recreates a fully functional court virtually using ICT for the dispersal of justice. The e-Court solution removes the physical encumbrances of all stakeholders to be present at one fixed location. In addition, files and records related to cases are instantly available while the court is in session leading to tremendous savings in time and increasing productivity.

The solution incorporates a range of software, hardware and physical resources to deliver a user. Friendly, scalable and highly secure system that can truly address the bottlenecks faced by the judiciary.

Features

The entire courtroom proceeding are video graphed using multiple high resolution PTZ cameras. The control of recording software interface is in the hands of judge who can start/stop recording anytime. File records, evidences (knife, gun) and other case related documents (depositions, notes, files, summons, and orders) have been scanned/

photographed and digitized via scanners and visualizers. They are available to authorized users like the judge, lawyers and public prosecutor for use in proceedings. Deposition can be captured as dictated by the judge at the time of case hearing, which is also linked with video records. Adequate security features through data encryption and digital signature at network and application level have been provided to safeguard information from unauthorized viewing and intentional or inadvertent damage. The system provides a flexible retrieval of captured information and allows the user to specify search involving the document identifier and/or parts of the expected metadata. System is integrated with video conferencing system over broadband IP or ISDN network. Locations are police stations, jail, FSL and hospitals etc.[13]

Highlights at a glance:

- The control of recording software interface is in the hands of the judge who can start/stop it anytime.
- File records, evidences and other case related documents (depositions, notes, files, summons and orders) are scanned and digitized via scanners and visualizers and are available to authorized users for viewing.
- Uploading of scanned files/evidence and adding relevant metadata.
- Allows judges to see recording of proceedings for review.
- Makes the knowledge and information content available in 24x7 online environment to authorized viewers.
- Appropriate searching of case records.
- Provision to provide authentic case copies to authorized persons.
- Provision to upload the case records to a central archive.
- Live webcast of case proceedings with password protection.

Benefits

- Reduces the paper work. Ease of record maintenance.
- Allows the judges to see e-files at any point of time.
- Appellate Court need not summon the original files.
- Used as a backup by concerned persons who are concerned about the authenticity of the document.
- Different courts will be able to share the information online.
- Playback live proceedings for court audience.
- Use of digital signature & encryption for integrity of documents.
- Tool for Education & Training of judicial officers and courtroom personnel.
- Doctors need not cancel appointments for critical/emergency patients to attend court.
- Court, Hospitals, FSL, Jail can simultaneously share their presentations/documents and other information online in a secured mode.
- Remote parties can depose through Video Conferencing facility using ISDN and Broadband links in e-Court.

- The documents of high secrecy which cannot be moved out of the department but needs to be shared with other agencies can be directly presented and relied upon.
- The witnesses need not be physically present in front of the accused thereby providing for their physical security.
- Experts can depose and give expert opinion in much more relaxed and conducive environment.
- Travel and other related costs will be saved.

Futurology

The future of the e-courts encompasses the e-filing of cases, online enquires, video conferencing, online fee payments, online submission of evidence etc. The application software developed by the NIC known as the Case Information System (CIS) has been created for the district courts and it is fully functional now. The citizens are able to file cases and get assistance online. Various schemes of the e-Courts Projects has already been attained like notices and summon generation, court diaries, online judgements etc. Various information like the daily cause lists, judgements etc. are being uploaded on a daily basis. The CIS software is available is on touch screens across various court premises in India. The e-courts project which also houses the judges and other staff of the courts is on full swing. The judges are being provided with their personal laptops, printers, internet connectivity etc.

The government is of the view of establishing 15,000 new courts considering the number of pending cases which need disposal. This computerisation activity will extend to these courts as well. By the time these new courts will be established, this computer system will be established and tested. Millions of data, flies, folder and other important documents will be digitally and physically available. These files will be accessible with the Bar Code Technology through password protection etc. There are several other disabilities of the judicial system which would be overcome. The use of aliases is a serious concern right now. This computerised system through the use of the biometric technology will identify and verify the physical characteristic and personal trait of an individual. The most positive effect of this system in the future would be that this data and information can be shared with the other law enforcement and government agencies. This will save unaccounted time and energy for the citizens and the litigants.

IV. CONCLUSION

Under the guidance of High Court of Delhi, India's First District level Paperless e-Court was commissioned at Karkardooma Courts on February 08, 2010.[14] The entire existing files in Karkardooma e-Court have been digitized and a touch screen has been installed on the dais of Judge. One can view any file of the e-Court in digitized form by searching for the same date-wise, name-wise or Act/Section wise. The proceedings of e-court are completely paperless.

The then President A.P.J. Abdul Kalam suggested creation of e-judiciary by establishing "Legal e-Governance Grid" from the region courts to the peak court for blanket the entire legal framework in the nation. Further, Mr. Kalam said, "The Grid will guarantee consistent stream of data and case questions

over the between departmental hindrance in a G2G mode over the vertical framework. This will be underpinned by the other flat e-Governance framework from the State and Central Government identified with the specific case object which will encourage the case items to stream over the legal methodology at different stages guaranteeing the pace, transparency and between operability accordingly disposing of deception and guaranteeing quick equity."[15]

He additionally emphasized that "Computerization of the High Courts and the District Courts is basic for the progression of e-legitimate skeleton. From the time the case is archived till it is disposed of with judgment, the entire changing must happen electronically. This will enable straightforward interest, recuperation, gathering, information taking care of, lawful record planning and exchange of the cases. The proposed development for joining all the 15,000 courts from the District Court to the Supreme Court through a Wide Area Network will further redesign the profit of the legitimate system.[16]

In the past few years, the government has taken several measures to improve access to justice and has introduced ICT interventions in justice administration. Introduction of several schemes and programs such as Modernization of the Police Force Scheme (MPF), e-court Mission Mode Project, Crime and Criminal Tracking Network Schemes(CCTNS) e-COPS with an objective of gearing technology for intensifying the efficiency of these institutions.[17] A rational vision and co-ordinate action amongst the various stakeholders is required so as to synergize the efforts and minimize pendency and arrears in the Justice Delivery System. Therefore, conceptualization of the courts of tomorrow initiatives took place.

At the National Mission for Justice Delivery the foundation for the Courts of Tomorrow Initiatives was laid. For strengthening the judiciary towards decreasing pendency and delays several goals were set out in the vision document of the national consultation and thus establishing legal reform. The initiative attempts to act as a force integrator to the ongoing ICT enablement initiatives of the courts, judiciary and the government.

Fast and fair trial has always been a long awaited dream for citizens of India. The experience of a person undergoing trial has never been pleasant so far. Hence the need of an ICT based Indian Judiciary for quicker trial was essential. It is hoped that in the coming time e-courts will prove to be a landmark in the life of the people and transform their anticipations into reality.

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