



THE JUDICIAL DIGITAL EMPOWERMENT IN INDIA

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ABSTRACT:

This article is about the digital empowerment of India's Judicial System through various projects and schemes like *National e-Governance Plan (NeGP)*, *E-courts Mission Mode Projects*, *Tele-Law*, *the Nyay Bandhu Scheme or Pro Bono Legal Services*, *Supreme Court Vidhik Anuvaad Software (SUVAS)*, *National Judicial Data Grid (NJDG)* and *E-prison* so that justice is not delayed and denied.

KEYWORDS: NeGP, E-courts Mission Mode Projects, Nyay Bandhu Scheme, SUVAS, NJDG and E-prison.

INTRODUCTION:

Let's first understand the concept of digitalization. It's a technique and model to gather all sorts of information in digital method i.e., a way not to maintain any hard copy or in paper or in any file and it also helps to open value-added opportunities. Now, we need to understand how has it been helpful in field of law or the judicial system.

Digitalization is something that has become more prevalent and needful during the time of pandemic and continue to be resourceful in several manner. Even if, it was a time of pandemic, it was felt necessary that the work of justice system shouldn't be hindered in any manner as there's a legal maxim that state clearly, "*Justice delayed is justice denied.*" So, the justice for people was brought or tried through digital platform.

DIGITILIZATION OF JUDICIAL SYSTEM PRE AND POST PANDEMIC:

According to Plato, "*our need is the real creator*" which eventually with time turned into an English proverb as '*Necessity is the mother of invention.*' A National Task Force on Information Technology and Software Development was established in 1998, marking the beginning of e-Government in India. Nonetheless, one of the main proponents of these advances in 1999 at the centre was the Ministry of Information Technology¹.

¹< [IJNRD2304093](https://bwlegalworld.businessworld.in/article/Role-Of-Pandemic-In-Digitization-Of-Indian-Judiciary-/14-03-2023-468983/>accessed on 05 april 2023</p>
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The Information Technology Act, 2000 gave recognition to digital records and signatures and provides legal obligation for electronic governance.

In India, hearing through video conferencing has brought major thrust in digital empowerment.

The concept of E-courts must be introduced in judicial system was said by *Justice D.Y. Chandrachud*. Under the *National e-Governance Plan (NeGP)* which was initiated during 2010-2015, E-courts were launched as a part of it. Concept of E-courts was on basis of the “National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005” submitted by E-Committee, Supreme Court of India with a vision to transform the Indian Judiciary by ICT enablement of Courts. The *E-courts Mission Mode Projects* was brought with an aim for transparency, develop decision support system, be efficient and time bound and enhancing the judicial productivity, in both quantitative and qualitative manner in near or upcoming future. It has three phases in which at present scenario, initiatives and focus is on phase- III enhancement².

The phase- I of the project wherein laptops were provided for all judicial officers, computerization of many districts along with launching of E-courts portal and judicial service centres. Through these portal and services, it provided for online information for litigants about the registration of case, list, orders, case status, etc. and for obtaining the copies of orders or the judgments. In phase- II, there has been certain upgradation with respect to phase- I. Hardware of the computers were enhanced, delivery of information through messages and application in mobiles. Introduction to E-payment gateways for any kind of payments like, court fees, fine, etc. for easy accessibility and maintenance of records. Composition of E-committee are there for the Supreme Court and certain roles acted by the High Courts. The committee of Supreme Court consists of:

- (a) Hon’ble the Chief Justice of India as Patron-in-Chief of the E-Committee.
- (b) Hon’ble Judge Incharge, E-Committee.
- (c) Regular Members like member for project management, human resources, etc.

The High court’s enact roles such as the central project coordinator, implementing agency, high court computer committee³, etc.

Another initiative for the purpose of free legal aid in India to reach marginalized communities through Common Service Centre (CSCs) is *Tele-Law*. Tele-Law means the use of communications and information technology for the delivery of legal information and advice. This e-interaction between lawyers and people would be through the video-conferencing infrastructure available at the CSCs⁴.

Its motive is to connect and facilitate with citizens who need assistance or advice through *State Legal Services Authorities* wherein a lawyers panel is stationed and CSC via video conferencing or telephone at panchayat level. According to its data statistics, total case registered: 34,28,688, total advised enabled: 33,54,545 and total no. of CSC's: 1,00,000⁵ all over India.

² <<https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/>>assessed 25 march 2023

³ <<https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project>>accessed 25 march 2023

⁴ <<https://www.tele-law.in/overview-of-tele-law.html>> accessed 28 march 2023

⁵ <<https://plv.tele-law.in/DGQI/index.html>> accessed 28 march 2023

Tele-Law has also launched its own mobile application to benefit by easily connecting to lawyers through para legal volunteers.

Similarly, another scheme was brought into picture for the purpose of public good i.e., *the Nyay Bandhu Scheme or Pro Bono Legal Services* under which, practicing advocates who are interested in doing pro bono legal work are connected with eligible marginalized beneficiaries via mobile technology after thorough screening for the delivery of pro bono (free of charge) legal services⁶. For the upcoming and uprising lawyers of the country, it provides a platform to grow and develop while contributing social welfare and working for the needful people.

The term 'Pro Bono' is derived from the Latin term "Pro Bono Publico" which means 'for the public good'⁷.

Supreme Court Vidhik Anuvaad Software (SUVAS) is an Artificial Intelligence Technology launched by the Supreme Court for the purpose of easy interpretation of the judgment from English to an informal or conversational language. India being a diverse country, it will be helpful for a large number people who understand their own mother tongue for better clarification in a simple manner.

Another project that brought transparency and accountability of system and enabled the High Courts and its Subordinate courts to track data base of pending cases, orders, or judgments by anyone can at district, state, or national level by *National Judicial Data Grid (NJDG)*⁸.

In the case of *Krishna Veni Nagam v Harish Nagam (2017)*, the Supreme Court approved for video conferencing in matrimonial cases⁹.

In the case of *Swapnil Tripathi vs Supreme Court of India (2018)*, the live streaming of national and constitutional importance, live streaming was allowed by the Supreme Court¹⁰.

In the recent case of *Sena v. Sena*, the decision of election commission is challenged and its proceedings will be live streamed as the case will be heard by the constitutional bench.

ARTIFICIAL INTELLIGENCE IN PERSPECTIVE OF LAW:

The Artificial intelligence was swiftly adopted in India after being accepted in 2009. Predictive analytics can frequently be used to gather cases, analyze them, and determine the likelihood that a case would succeed. From its 2019 Research, the Ministry of Electronics & Information Technology suggested that AI may improve the effectiveness of data processing and information extraction. Also, by creating an easily accessible knowledge archive, this will foster public confidence.¹¹

A small number of AI teams are developing machine learning models to forecast the outcomes of ongoing cases using the corpus of relevant precedent and the case facts as inputs. When they are improved, these forecasts will have a considerable impact on legal practice. They help law firms simplify settlement discussions, cut down on the number

⁶< <https://probono-doj.in/about.html>>accessed 28 march 2023

⁷<<https://probono-doj.in/meaning-context.html>>accessed 28 march 2023

⁸<<https://www.nic.in/products/national-judicial-data-grid/>>accessed on 30 march 2023

⁹<<https://www.drishtiias.com/daily-updates/daily-news-editorials/digitisation-of-indian-judiciary>>accessed on 30 march 2023

¹⁰<<https://www.drishtiias.com/daily-updates/daily-news-editorials/digitisation-of-indian-judiciary>> on 30 march 2023

¹¹<<https://blog.ipleaders.in/digitalization-of-indian-courts-amid-coronavirus-pandemic/>>accessed on 05 april 2023

of cases that must go to trial, and pre-plan their litigation approach. One such business, Blue J Legal, based in Toronto, is developing a legal prediction engine that uses AI and initially focuses on tax law. The company claims that 90% of the time, their AI can predict case outcomes with accuracy¹².

In order to translate decisions or instructions from English into nine regional languages, SC released “SUVAS” in 2019¹³.

India should create a similar interface in the upcoming years as it will aid courts in reducing ongoing litigation and allow for the resolution of urgent cases where litigation cannot be avoided.

NEED FOR DIGITILIZATION IN INDIAN JUDICIAL SYSTEM:

India's legal system has a long history and a well-deserved reputation for excellence. The judicial system has effectively sustained the public's confidence throughout history by constantly producing landmark judgements in accordance with the requirements of the public interest¹⁴.

But it's a well known fact that there are more than 59 lakhs cases pending in high courts according to the National Judicial Data Grid and also so much time consuming that at times cases have been in trial for years yet the outcome or decision to it is not concluded. With advancement and growth in digital sector for judicial purpose it would ensure fast redressal of the cases along with helping to keep a count on pending cases. It would also be less time consuming, much clarity, safety, dependability, equality, inclusivity, non-discrimination, privacy, security, transparency and accountability through technology. Also, it will be easy for maintenance of data, files and record of previous verdicts or judgments or guidelines for future references. In case, any misplacement or unavailability of any documents or files that usually happens in manual work and later at times not at all found and may lead to miscarriage of justice; won't happen or are less chance for the same as in digitalization, its much easily found or discovered or recovered.

With the help of technology management and organizing will become much more efficient and effective in our judicial system.

OVERALL DRAWBACKS:

Apart from having many positive aspects it has some issues and problems alongside. Problems like: internet connectivity, lack of infrastructural facilities, cyber security and people who do not yet know or are aware about the technology that how to use it or many old or experienced advocates¹⁵ who have to put into a lot of efforts to understand and adapt to this new system and present their case in virtual mode. Even for the people who file the case or defend the case, it might bring a lot trouble to specifically those who can't read or write or less literate as for them their

¹² <<https://www.mondaq.com/india/new-technology/1263638/assessing-the-intelligence-of-the-artificial-intelligence-in-law-prospects-in-india>>accessed on 05 april 2023

¹³ <<https://blog.ipleaders.in/digitalization-of-indian-courts-amid-coronavirus-pandemic/>>accessed on 05 april 2023

¹⁴ <<https://www.lawinsider.in/columns/how-digitalization-of-the-indian-judiciary-helping-curb-long-pending-burden>>accessed on 05 april 2023

¹⁵ <<https://bwlegalworld.businessworld.in/article/Role-Of-Pandemic-In-Digitization-Of-Indian-Judiciary-/14-03-2023-468983/>>accessed on 05 april 2023

primary or basic knowledge is not there or inadequate so, it will become a greater challenge for them to understand and use technology. Many might get exploited or mislead because of the same. Until and unless these issues can be resolved, it will be a greater challenge to progress and grow through digitalization in judicial system.

CONCLUSION:

The digitalization has reached all fields and now judiciary is also opting online mode to resolve legal issues through different projects and schemes that can be availed by everyone. Even for prisoners there is a project that is e-prison which aims at computerizing the operation of the country's prisons. It is now in operation in all states and union territories and its purpose is to reduce errors and time spent sharing necessary information between the pillars, which often leads to larger challenges such as longer trial duration, poorer convictions, document transit losses, and so on¹⁶. The method of Alternative Dispute Resolution provides for solution without engaging into the trial procedure. To use this solution in online platform and new generation approach, Online Dispute Resolution which has reduced barriers and is more effective and smarter way of dispute resolution for digital justice¹⁷. The process of digitalization has reduced the time consumption, has become a lot more cost friendly and much effective. For example, in case where The Punjab and Haryana High Court has granted former Congress Minister Navjot Singh Sidhu's request to be heard via video-conferencing in the Ludhiana Court on a matter involving former Minister Bharat Bhushan Ashu. Dismissed DSP Balwinder Singh Sekhon filed this case against Ashu, alleging that he harassed and intimidated him during the investigation into the alleged CLU scam in Ludhiana¹⁸. During the pandemic, flourishment of digitalization in every field like e-commerce, etc. has also encouraged the judicial system to adapt with artificial intelligence technology which in future has wider scope and growth. There is still a long way to go for enhancement of technology especially for our judicial system in India.



¹⁶ <<https://www.drishtias.com/daily-news-analysis/e-prisons-project>>accessed on 30 march 2023

¹⁷ <https://www.researchgate.net/publication/332654070_Digital_Justice_in_Online_Dispute_Resolution_The_Shifting_from_Traditional_to_the_New_Generation_of_Dispute_Resolution>accessed on 04 april 2023.

¹⁸ <<https://indianexpress.com/article/cities/chandigarh/hc-allows-sidhus-plea-seeking-hearing-via-video-conferencing-8232139/>>accessed on 04 april 2023.