

Transition to Generation X Judiciary: The Indian Experience

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Abstract: *Technological development is a continuous and constant process which provides platforms which simplify and upgrade existing systems and process. Technological improvements and assimilation is a necessary and significant step for all sectors of human life including the judiciary. The Indian judiciary has set itself on a path to revamp the judicial system with the goal of implementing information and communication technology to bring about such transformation. The E-Courts Mission Mode Project was conceptualized and implemented by the e-Committee of the Supreme Court of India with the goal of ICT enablement of courts. The underlying purpose of this transformation is to ensure access to justice and speedy justice to the common man. This paper traces the transformational journey of the Indian judiciary to a technology driven judicial system. The paper delineates the achievements and limitations of this transformation. The initiatives undertaken in Phases 1 and 2 of the E-Courts Mission Mode Project from 2007 to the present (Including National Judicial Data Grid, Case Information Software, video conferencing, NSTEP), and the proposed measures envisioned in Phase 3 have been analyzed. The paper also traces novel initiatives adopted by various High Courts in India in assimilating and harnessing technology in the judiciary. The paper examines the future potential for the Indian judiciary and analyzed the potential of harnessing artificial intelligence and machine learning to simplify and streamline the judicial process.*

Keywords: E-courts, E-judiciary, Indian Judiciary, Judicial Administration, Justice Delivery, Technology

Article History: Received: 03 August 2023; Accepted: 16 Sept- 2023; Published/Available Online: 30 Sept- 2023;

1. Introduction

Technological development is a continuous and constant process which provides platforms which simplify and upgrade existing systems and process. Technological improvements and assimilation is a necessary and significant step for all sectors of human life including the judiciary. The Indian judiciary has set itself on a path to revamp the judicial system with the goal of implementing information and communication technology to bring about such transformation. The E-Courts Mission Mode Project was conceptualized and implemented by the e-Committee of the Supreme Court of India with the goal of ICT enablement of courts. The underlying purpose of this transformation is to ensure access to justice and speedy justice to the common man.

This paper traces the transformational journey of the Indian judiciary to a technology driven judicial system. The paper delineates the achievements and limitations of this transformation. The initiatives undertaken in Phases 1 and 2 of the E-Courts Mission Mode Project from 2007 to the present (Including National Judicial Data Grid, Case Information Software, video conferencing, NSTEP), and the proposed measures envisioned in Phase 3 have been analyzed. The paper also traces novel initiatives adopted by various High Courts in India in assimilating and harnessing technology in the judiciary. The paper examines the future potential for the Indian judiciary and analyzed the potential of harnessing artificial intelligence and machine learning to simplify and streamline the judicial process.

2. Indian Judiciary's Tryst with Technology–The First Steps

The Indian judiciary till the early 2000's was a traditional court system with overwhelming loads of paper being filed. This system posed several challenges especially in the aspects of data handling and storage. The stakeholders were also faced with the insurmountable task of sifting through the volumes of data which was generated in the judicial process. The need for a change in the judicial process was acknowledged in the early 2000's. Noting the urgent need for reforming and re-engineering the judicial process and the necessity of adopting technology to bring about such reformation, the Chief Justice of India constituted the e-

Committee of the Supreme Court of India (the e-Committee) in 2004.¹ The e-Committee was tasked with the computerization of the judiciary, and formulation and implementation of a national policy to enable the Indian judiciary to adapt itself to the digital age and apply Information and Communication Technology (ICT) in judicial processes.² The overarching objective of this measure was to make the justice delivery system efficient. The e-Committee under the chairmanship of the Dr. Justice G.C. Bharuka, former judge of Karnataka High Court, formulated the 'National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary' (the National Policy) in 2005.³ The National Policy was formulated with the purpose of harnessing the potential of ICT for enhancing judicial productivity, both qualitatively and quantitatively. The objective was to make the justice delivery system accessible, affordable, transparent, responsive and accountable. The National Policy acknowledged the need for judicial leadership and initiative in judicial process re-engineering. The policy envisaged the creation of ICT infrastructure that would be owned and operated by the judiciary. In furtherance of the objectives of the National Policy, the e-Committee conceptualized and implemented the e-Courts Project.⁴

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3. The E-Courts Project

The 'e-Courts Mission Mode Project' (e-Courts Project) is a novel e-governance project conceptualized by the e-Committee on the basis of the National Policy. The e-courts project was the first institutional reform with regard to technology in the judiciary. Hitherto, the technological reforms were piecemeal reforms introduced by stakeholders on an individual level. The project was conceived to create technological infrastructure for the judiciary which is owned and customized for the judiciary. The e-Courts project has been implemented pan-India at the High Courts and the District Courts. The e-Courts project has sought to equip the courts, the judges and stakeholders with requisite technology to aid and assist them in the performance of the judicial role. This project encapsulated the provision of basic hardware as well as software necessary for performance of the judicial function and also sought to familiarize the stakeholders with the technology to enable effective use of the same.⁵

The e-Courts project's overarching goal was to ensure that the judicial system provides citizen-centric services to make the judicial system accessible and affordable to the common man. This encapsulates the provision of speedy, qualitative, transparent, predictable and cost-effective justice; and the removal of harassment faced by litigants and stakeholders. The e-Courts Project also aimed to tackle corruption in the judicial system thereby ensuring accountability and transparency.⁶

The e-Courts project also sought to equip the judge and the court to enable the effective performance of the judicial function. This required the development, installation and adoption of technology to enhance judicial productivity both qualitatively and quantitatively. Another aspect envisaged in the e-Courts project was the adoption of decision support systems, case management systems and court management systems to assist the judge. Automation of judicial process was also envisaged in the e-Courts Project.⁷ The e-Courts project was implemented in two phases till date.

Phase I was approved in 2010 for a period of five years; and computerization of 14,249 District Courts was undertaken in this phase. This phase primarily was focused on providing the requisite ICT infrastructure to the courts and to make the necessary ICT infrastructural improvements. In this phase, the infrastructure provided in the courts included computer hardware, Local Area Network (LAN), Wide Area Network (WAN), UPS and power backups.⁸ In this phase all judges in India were provided laptops to enable them to discharge their judicial and administrative functions through technological means and to enable them to upgrade their skills and familiarity with technology. ICT and computer based environment was introduced in the courts. In this phase a website for the Indian judiciary was developed to provide requisite information

¹ <https://ecommitteesci.gov.in/about-department/introduction/>

² <https://main.sci.gov.in/pdf/ecommittee/action-plan-ecourt.pdf> pp. 4&5.

³ Ibid

⁴ <https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/>

⁵ e-Courts Brief, National Information Centre.

⁶ <https://ecommitteesci.gov.in>

⁷ Supra Note 5

⁸ Supra Note 5.

about the judiciary to the common man. Committees were constituted at the High Courts and the District Courts to drive the e-Courts Project forward and to guide the implementation of ICT in the courts. Further, computer rooms were set up in the court complexes and Wi-Fi was set up in the Supreme Court and High Court premises.

Phase II was commissioned in 2015 for a period of four years. Technological improvements including connectivity of courts, jails etc.; video conferencing, paperless courts and automation of judicial and administrative processes was undertaken in this phase. Emphasis was placed on providing effective access to justice to the litigants and to enable effective service delivery to stakeholders in the judicial process.⁹

4. Novel Measures Introduced in the E-Courts Project

Significant ICT measures were adopted in the e-Courts Project which led to an ICT overhaul of the judiciary. The 'Case Information System'¹⁰ (CIS) has been developed and adopted under the E-Courts project as a measure to ensure access of information to the litigant. This system enables the litigant to view the daily status and progress of his case, and the orders passed in the case through technological means. This system has been developed on open source software and is accessible on computers and smart phones. The services under CIS have been implemented in multiple languages to enable ease of access to the common man. The services under CIS include the e-Courts portal and mobile app, National Judicial Data Grid, SMS services, e-payment and e-filing.

E-Courts Website & App: The e-Courts website¹¹ is one of the major features of the CIS e-Courts Project. This website provides information regarding the courts in India thereby ensuring access to information and transparency. Websites have been launched for the Supreme Court¹², High Courts¹³ and each District Court¹⁴. These websites provide public access to information regarding the cases before the courts, the cause list before the courts, case status, and court orders. These websites provide updated information to the public including the litigant thereby eliminating the middleman in the court and in the reduction of corruption and bribery.

The e-courts mobile application has also been launched which can be downloaded on the phone.¹⁵ This app provides access to information regarding the courts and comes with search options for case status, court orders and cause list. The application also has a feature which enables a litigant or advocate to keep a track of his case and get regular updates about the case.

E-Filing: An e-Filing software application has been developed in the e-Courts project to enable the electronic filing of legal papers.¹⁶ This measure has been introduced to promote paperless filing. This is beneficial as it firstly, reduces the volumes of papers in the court thereby addressing the challenge of storage of records and record management. Stacks of paper have now been reduced to files on the computer which can be easily stored and retrieved. Secondly, it makes the data user-friendly for the judge as well as the other stakeholders, as the relevant information or document can be easily searched and retrieved at the click of a button. Thirdly, it effectively reduces the need for advocates and litigants to physically approach the court or even the offices of the advocate to access any document as the same is available digitally. Fourthly, this measure ensures that the judicial system is environmentally conscious and reduces the carbon footprint of the judiciary.

SMS Services: Another measure introduced in the e-Courts project is the facility of SMS services which enables the advocate and the litigant to know status of his/her case.¹⁷ The SMS PUSH service enables the advocate or litigant to receive the case status through SMS which is sent automatically to the registered advocate and the litigant. The SMS PULL service enables the litigant to receive the case details through

⁹ Supra Note 5

¹⁰ <https://ecommitteesci.gov.in/division/case-information-system-cis/>

¹¹ https://ecourts.gov.in/ecourts_home/

¹² <http://sci.gov.in/>

¹³ https://ecourts.gov.in/ecourts_home/static/highcourts.php

¹⁴ <https://districts.ecourts.gov.in/>

¹⁵ <https://districts.ecourts.gov.in/download-e-courts-mobile-app>

¹⁶ <https://efiling.ecourts.gov.in/>

¹⁷ <https://districts.ecourts.gov.in/sms-service>

SMS even in cases where they do not have internet connection. This information can be obtained by sending SMS to a registered e-Courts number with the number of the case.

E-Payments: A portal for online payment of court fees, fines, and penalty has been created under the e-Courts project¹⁸. Litigants can make payments using this portal, thereby eliminating the use of stamps, cheques and cash. This is beneficial as it introduces transparency in the judicial functioning and aids in the elimination of corruption and bribery.

National Judicial Data Grid: A novel innovation in this phase was the creation of the National Judicial Data Grid (NJDG) as a warehouse of judicial data. NJDG has been developed to ensure effective access to information regarding the judiciary. The common man has been enabled to view the data pertaining to the cases pending and disposed by the judiciary and to assess the pendency and disposal rates of the judiciary. This information is available in the public domain¹⁹ to enable all persons including researchers and litigants to know about the functioning of the Indian judiciary. This infuses transparency in the judicial system. The NJDG is also useful for administrative functions in the judicial administration as the judges are able to track and monitor the performance of the courts and the pendency, thereby enabling effective decision making for judicial administration.²⁰

National Service and Tracking of Electronic Processes: The National Service and Tracking of Electronic Processes (NSTEP) is a mechanism introduced in the e-Court project to digitize the delivery of processes. The NSTEP is a centralized system comprising of a process service tracking application and a mobile app for bailiffs and process servers. This enables real time tracking of process service to ensure transparency in process service and reduces delays.²¹

Virtual Courts: Virtual courts have been envisaged under the e-Courts project with the objective of reducing footfall in the courts²². This has been developed for adjudication of cases such as traffic offences. This reduces the work load on the judge by disposing of minor offences which can be automatically handled. Furthermore, the litigant will be able to dispose their case from the comfort of their own home without having to visit the court.²³

JustIS Mobile Application: The JustIS mobile application has been created as a tool for judicial management and empowers the judges to effectively manage their court. This application enables the judge to view the cause list, the cases before the judge in order to enable the judge to effectively handle his case load and make decisions regarding the same.²⁴

Video Conferencing: Video conferencing has been adopted under the e-Courts project as a measure to connect the courts and the jails. This ensures access to justice for persons in jail and also reduces the time and cost of transporting jail inmates to and from the court. Video conferencing has gradually gained relevance and is adopted in cases where the witness is unable to appear before the court in person. Video conferencing has been encouraged by the Supreme Court of India in *State of Maharashtra v. Dr. Praful B Desai*²⁵ as a useful tool for examination of witnesses. In *In Re: Children in Street Situations*²⁶ video conferencing was directed to be adopted for recording of evidence of children. Further, video conferencing was adopted in the Covid-19 pandemic and proved to be beneficial to ensure uninterrupted functioning of the courts in the pandemic.²⁷

¹⁸ <https://pay.ecourts.gov.in>

¹⁹ <https://njdg.ecourts.gov.in/njdgnew/index.php>

²⁰ Supra Note 5 pp. 5.

²¹ Supra Note 5 pp. 10 & 11.

²² <https://vcourts.gov.in/virtualcourt/>

²³ Supra Note 5 pp. 11-13.

²⁴ <https://ecommitteesci.gov.in/publication/court-management-through-justis-mobile-app/>

²⁵ (2003) 4 SCC 601

²⁶ 2022 SCC OnLine SC 189

²⁷ In Re. Guidelines for Court Functioning Through Video Conferencing During Covid-19 Pandemic, (2021) 5 SCC 454; In Re. Guidelines for Court Functioning Through Video Conferencing During Covid-19 Pandemic, (2020) 6 SCC 686

Interoperable Criminal Justice System: The Interoperable Criminal Justice System (ICJS) is a project aimed at integrating the courts with the police, jails, forensics, prosecution and juvenile homes. Live electronic exchange of data between courts and police through ICJS has been implemented. This system enables the electronic transmission of FIR and charge sheet details, thereby enabling seamless data exchange and reduction of data entry work of the court.²⁸

E-Sewa Kendras: Under the e-Courts project e-Sewa Kendras have been set up in all the High Courts and District Court complexes with the objective of bridging the gap between the judiciary and litigants/advocates who do not have digital access or IT tools at their disposal. The e-Sewa Kendras are a one-stop solution providing e-services and litigant centric information. The e-Sewa Kendras provide information such as the case status, cause list, soft copy of orders and judgments etc. to the litigant and advocate. The e-Sewa Kendras also provide assistance to the litigant and advocate in e-Filing, e-Payments etc. This measure ensures effective access to justice to the common man who does not have technological tools at his disposal. This bridges the digital divide and ensures effective access to justice

Supreme Court Portal for Assistance in Court's Efficiency: The Supreme Court Portal for Assistance in Court's Efficiency (SUPACE) is an artificial intelligence tool which has been developed to leverage machine learning to deal with the data received at the time of filing of cases. This is the first artificial intelligence tool developed for the Indian judicial system with the aim of exploring the potential and utility of artificial intelligence in the administration of justice.²⁹

Supreme Court Vidhik Anuvaad Software: Supreme Court Vidhik Anuvaad Software (SUVAS) is an artificial intelligence tool that can assist in the translation of judgments into regional languages.³⁰ SUVAS has been recently used by the High Court of Kerala to translate judgments from English to Malayalam and for translating vernacular judgments/documents of District Courts into English.³¹

Live Streaming of Court Proceedings: Live streaming of proceedings of the court of the Chief Justice of India was commenced on an experimental basis in 2020 and was formally launched for other courts in 2021.³² Livestreaming has been adopted by the Supreme Court³³ several High Courts (Gujarat, Madhya Pradesh, Jharkhand, Karnataka, Orissa and Patna)³⁴, with the High Courts having their own YouTube channels where the proceedings are telecast for public viewing. The Gujarat High Court has also commenced live streaming of the proceedings of the District Courts.³⁵ In *Swapnil Tripathi v. Supreme Court of India*³⁶ the Supreme Court of India held live streaming of court proceedings to be a facet of open justice and a measure to enable the right of access to justice. It was held that live streaming enables the common man to know the developments of law. The Supreme Court has directed that live streaming cannot be adopted in sensitive cases, matrimonial matters, and matters relating to children. Furthermore, the judge in exercise of his/her discretion can disallow live streaming in cases where the live streaming would prejudice the interests of justice.

²⁸ Supra Note 5 pp. 14-20.

²⁹ <https://www.indiatoday.in/india/story/supreme-court-india-sc-ai-artificial-intelligence-portal-supace-launch-1788098-2021-04-07>; <https://indianexpress.com/article/india/cji-launches-top-courts-ai-driven-research-portal-7261821/>

³⁰ <https://main.sci.gov.in/pdf/Press/press%20release%20for%20law%20day%20celebrato.in.pdf>

³¹ Newsletter e-Committee, Supreme Court of India, October 2022 pp.15. accessed at

<https://ecommitteesci.gov.in/publication/e-committee-newsletter-october-2022/> ; See also

<https://www.newindianexpress.com/states/kerala/2023/feb/22/kerala-hc-scripts-history-provides-malayalam-translation-of-judgments-2549614.html>

³² <https://ecommitteesci.gov.in/project/live-streaming-of-high-court-proceedings/>

³³ https://main.sci.gov.in/arch_disp

³⁴ <https://doj.gov.in/pay-your-traffic-fine-here/>

³⁵ See <https://gujarathighcourt.nic.in/dclive/>; <https://indianexpress.com/article/cities/ahmedabad/gujarat-hc-launches-live-streaming-of-proceedings-of-district-courts-8432518/>

³⁶ (2018) 10 SCC 639

Transcription Services: In the recent times, new measure of transcription of judicial proceedings has been initiated by the Supreme Court of India.³⁷ This measure has been adopted on an experimental basis to assess the potential of transcription and its utility for the judicial system in India. This transcription service enables the court to generate a permanent record of arguments in the court and would assist the judge, the advocates and the common man to know what had transpired in the court.

5. Bouquets and Brickbats – The Tech Scorecard

The e-Court project is a novel initiative which has been formulated and implemented in about 17 years. It is a mammoth project which has been successfully undertaken due to the co-operation and initiative of the Supreme Court, and the High Courts which have implemented the vision of the e-Committee. It has been acknowledged by the Supreme Court that a sound infrastructure including IT infrastructure for computerization and e-Courts is the linchpin of a strong and stable judicial system.³⁸

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(a) Achievements of the e-Courts Project

A scrutiny of the measures adopted and introduced in e-Courts reveals the successes of the e-Courts project.

- (i) **Access to Justice** - The major achievement of the e-Courts project has been to make the justice delivery system accessible to the common man. The e-Sewa Kendras play an important role in ensuring access to justice for the common man. The tools introduced in the e-Courts project ensure that the common man can access the judicial system at the click of a button without having to visit the court premises. All pertinent information regarding the judicial system is available on one's fingertips. The litigant can file his case, track his case and even attend the proceedings online using technological means. This makes the system accessible and affordable to the common man. This also breaks the myth mystery surrounding the judiciary and makes it open to the common man.
- (ii) **Transparency & Accountability** – The measures introduced in e-Courts project including the e-Courts website, e-Courts app, NJDG and SMS services have ensured that information regarding the functioning of courts is available to the common man. Any person can access these services to know how courts function. Furthermore, livestreaming of judicial proceedings also enables the common man to know how court proceedings function and to know the details of the hearing of cases relevant to them. This ensures that the judicial institution functions in a transparent manner with access to information to the common man. This also keeps a check on judicial function as the court proceedings are viewed and assessed by the common man. The litigant can observe the judicial proceeding and know whether his advocate has done his duty effectively in the case. This ensures accountability on part of the court, the judge, the advocates and all stakeholders in the judicial system.
- (iii) **Elimination of the Middleman** – The measures of e-payment, availability of orders, e-filing etc. do away with the middle man who was hitherto involved in the court proceedings. The litigant and the advocate is not required to approach the court staff for these purposes hence, eliminating the chances of being required to pay any bribe, if any. Furthermore, as the tasks like downloading of order can be done online, the litigant does not need to approach the advocate and pay him/her fees for such task. This is crucial to directly connect the litigant with the court and eliminate the middle man. This also eliminates bribery and corruption in the judicial system.
- (iv) **Effective Judicial Administration** – The tools and services introduced in the e-Courts project are useful for ensuring effective judicial administration. Tools like the JustIS app for judges, CIS, NJDG and ICJS enable the judge to effectively manage his/her docket and also aids in effective judicial administration. The tools developed in e-Courts project enable effective record management as the files before the judiciary are now easily stored in servers rather than in record rooms. The tools available to the judge enable effective case management as the judge can view the cases before him and the effectively handle his docket to ensure timely delivery of justice. Furthermore, the tools also

³⁷ <https://www.news18.com/news/india/tech-friendly-accessible-judiciary-sc-starts-ai-based-pilot-project-to-transcribe-live-proceedings-7135231.html>; <https://www.livelaw.in/top-stories/in-a-historic-first-supreme-court-officially-publishes-transcript-of-arguments-222257>

³⁸ All India Judges Assn. v. Union of India, (2018) 17 SCC 555

enable effective court administration as the judge is able to track the court procedures such as service of processes and effectively administer his/her court. This ensures effective and expeditious dispensation of justice.

- (v) **Upgradation of Judicial Skills** – The e-Courts project has also served to upgrade the judicial skills. Tools developed in the e-Courts project assist the judge in research and also assist in improving the skills of court management, caseload management, and judgment writing. Technology can assist the judge in effectively handling his workload and eliminate tasks which are unnecessary or repetitive to free up judicial time.
- (vi) **E-Judiciary and the Covid-19 Pandemic** – A noteworthy achievement of the e-Courts project was that the Indian judiciary was equipped to function in the Covid-19 pandemic.³⁹ The video conferencing facilities were adopted to enable courts to function even in the lockdown and virtual hearing mechanism was adopted.⁴⁰ The pandemic spurred the e-Courts project as the necessity of technology based judicial systems was underscored in the pandemic. It is laudable that the courts functioned in spite of the limitations imposed by the pandemic.⁴¹

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(b) Areas of Concern

While the e-Courts project has been a success story, with several novel measures being adopted to upgrade the judicial system in India, certain areas of concern to persist which require adequate consideration in the road ahead

- (i) **Data Security** - With the adoption of the technology based judicial system, it is imperative that adequate focus be given to the issue of data security for the Indian judiciary. The judicial data is important as it contains vital information regarding cases, litigants etc. and is sensitive and invaluable. This data is susceptible to cyber-attacks such as data breach, hacking ransomware attacks and data theft.⁴² Further, data can also be lost due to acts of God. This vulnerability of the judicial data requires the adoption of effective measures for data protection. While measures like introduction of captcha in the e-services of the judiciary have been introduced, e-Courts project has not implemented an effective data security and data protection system for the Indian judiciary.
- (ii) **Stakeholder reluctance** – The e-Courts project has introduced several laudable measures in the Indian judicial system. However, the project has yet to achieve full success due to reluctance on part of the stakeholders to adopt technology. This stems from a lack of knowledge of technology and lack of familiarity with technological devices on part of all stakeholders including the advocates and litigants. The reluctance and opposition would possibly also stem from the fear that technology would render the services of some stakeholders to be obsolete. There is a need to address this lack of awareness through legal aid camps.
- (iii) **Artificial Intelligence and the Judiciary** – Artificial intelligence marks a significant evolution in technology and its potential is vast. The tools of SUPACE, SUVAS and transcription enable the use of artificial intelligence in the judicial function. While these tools are useful to assist the judge, the question that begets consideration is ‘to what extent can artificial intelligence be used in judicial functions?’ Artificial intelligence can potentially play three roles in the judiciary *viz.* supportive role (to assist the judge in judging), replacement role (to undertake certain functions like case management, online filing etc. which do not require the involvement of the judge) and disruptive

³⁹ <https://www.indiatvnews.com/news/india/no-case-is-big-or-small-every-case-is-important-for-courts-cji-dy-chandrachud-latest-updates-indian-judiciary-court-cases-death-penalty-constitution-2023-02-04-844712>

⁴⁰ Jyoti Rattan and Vijay Rattan, “The COVID-19 Crisis – the New Challenges Before the Indian Justice and Court Administration System” (2021) 12(2) International Journal for Court Administration 11.

⁴¹ <https://www.hindustantimes.com/india-news/supreme-court-did-not-close-even-for-a-day-during-lockdown-cji-bobde/story-z9YEUWYfHzEuj7EoIIHmQN.html>; <https://www.barandbench.com/columns/lest-we-forget-how-did-district-courts-perform-during-covid-19-pandemic>

⁴² <https://www.thehindu.com/opinion/lead/the-world-is-hardly-wired-for-cyber-resilience/article62105946.ece>

role (the technology can take the place of the judge in the judicial function).⁴³ It is also worthwhile to ponder whether artificial intelligence can supplant a judge in the judicial process. Furthermore, it must also be considered whether the bias in artificial intelligence can impact functioning of and the outcomes given by artificial intelligence.

6. The Road Ahead for the Indian Judiciary

The e-Courts project has been successful in effecting a transition from traditional judicial systems of the past to a technology-driven judicial system. While much has been achieved, there are several steps that need to be taken to complete this transition. Furthermore, as technology continually evolves and develops technological updation and upgradation of the judiciary is a permanent requirement. To this end, the e-Committee of the Supreme Court of India has drafted a vision document for Phase III of the e-Courts project – “Digital Courts Vision & Roadmap - Phase III of the eCourts Project”⁴⁴. Phase III of the e-Courts project envisages the e-judiciary which is “more accessible, efficient and equitable for every individual who seeks justice, or is part of the delivery of justice, in India.”⁴⁵ It looks beyond the mere digitization of existing processes and seeks to establish a judicial system which is technology based. Accessibility of the judicial system to the common man is a key focus of Phase III. Simplification of judicial processes through technology is also envisioned. Artificial intelligence also is sought to be harnessed to streamline the judicial processes by eliminating repetitive tasks, and use of artificial intelligence in routine tasks to reduce the effective work load on the judge. Phase III also contemplates the use of data-based decision making for judges and registries for tasks including scheduling and prioritization of cases.

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7. Conclusion

Significant milestones have been achieved in the transition of the Indian judiciary to become a judiciary of the next generation. It is necessary to undertake such measure to ensure that the judiciary is relevant in the present times. The upgradation of system and skills of the judiciary is a requisite element to ensure that the judiciary meets the challenges of increasing case load with the latest technological tools at their disposal. Furthermore, the nature of cases, and the evolving nature of evidence involved in cases necessitates that the judiciary be well versed with technology in order to be able to tackle the nuanced challenges of the evolving nature of cases before the judiciary. In the era of Generation X, Generation Y and Generation Z, it is necessary for the judiciary to be acquainted with the major features of the present day in order to be relevant and to be able to address issues arising in the present day with tools of the present times. The Indian judiciary has taken several strides towards the goal of a technologically equipped judiciary to be conversant with present day systems. It also has taken note of the fact that continuous upgrade is a requirement to be relevant and accordingly, the judicial system must look to continuously update and upgrade itself. A futuristic vision is necessary in order to ensure that the judiciary makes continuous strides in terms of technological advancement. While several issues still remain to be addressed, it is vital that efforts be made to enable effective transition from old and archaic systems to the systems of Generation X, Y and Z.

References

All India Judges Assn. v. Union of India, (2018) 17 SCC 555

Digital Courts Vision & Roadmap Phase III of the eCourts Project (Draft), e-Committee Supreme Court of India.

E-Courts Brief, National Information Centre.

eCourts Digital Payment, e-Committee Supreme Court of India.

eCourts Project: Objectives Accomplishment Report Phase II

E-Filing, from Case Management through CIS 3.0, Case Information system 3.0, e- Committee, Supreme Court of India.

⁴³ Tanya Sourdin, Judges and Technology in JUDGES, TECHNOLOGY AND ARTIFICIAL INTELLIGENCE, Elgar Law, Technology and Society series pp. 1-31 (2021); See also <https://www.livelaw.in/top-stories/artificial-intelligence-threat-opportunity-game-changer-supreme-court-judge-hima-kohli-221379>

⁴⁴ <https://ecommitteesci.gov.in/document/draft-vision-document-for-e-courts-project-phase-iii/>

⁴⁵ Ibid Page 5.

E-Filing Procedure for High Courts & District Courts in India, e-Committee Supreme Court of India.

In Re: Children in Street Situations, 2022 SCC OnLine SC 189

In Re. Guidelines for Court Functioning Through Video Conferencing During Covid-19 Pandemic, (2021) 5 SCC 454

In Re. Guidelines for Court Functioning Through Video Conferencing During Covid-19 Pandemic, (2020) 6 SCC 686

Jyoti Rattan and Vijay Rattan, “The COVID-19 Crisis – the New Challenges Before the Indian Justice and Court Administration System” (2021) 12(2) International Journal for Court Administration 11.

Memorandum of Understanding between CSC e-Governance Services India Limited and Department of Justice, Ministry of Law & Justice on Common Service Centers.

Model Rules for Video Conferencing for Courts, e-Committee, Supreme Court of India.

Model Rules for Live-streaming and Recording of Court Proceedings, e-Committee, Supreme Court of India.

Model Rules for E-Filing - Rules for On-Line Electronic Filing (E-Filing) Framed under Article 225 and 227 of the Constitution of India, e-Committee, Supreme Court of India.

National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary, e-Committee Supreme Court of India, August, 2005. National Council of Applied Economic Research, Information & Communication Technology in the Indian Judiciary: Evaluation of the eCourts Project Phase -II, (2021).

National Service and Tracking of Electronic Processes (NSTEP)-Android OS APP, e- Committee Supreme Court of India.

Policy and Action Plan Document Phase II of the eCourts Project, e-Committee Supreme Court of India.

R. Arulmozhiselvi, Court and Case Management through National Judicial Data Grid (NJDG) (2021).

R. Arulmozhiselvi, Court Management through JustIS Mobile App, (2018).

State of Maharashtra v. Dr. Praful B Desai, (2003) 4 SCC 601

Swapnil Tripathi v. Supreme Court of India, (2018) 10 SCC 639

Tanya Sourdin, Judges and Technology in JUDGES, TECHNOLOGY AND ARTIFICIAL INTELLIGENCE, Elgar Law, Technology and Society series pp. 1-31 (2021)

The Milestones of e-Committee, Supreme Court of India (2021)