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Legal impact on integration of information and communication technology and digital justice: new era of judicial efficiency in India

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Abstract
In the modern legal regime, the advent of Information and Communication Technology (ICT) has revolutionized various sectors globally, and the judiciary is no exception. The integration of ICT in the judicial system, termed "Digital Justice", marks a transformative shift towards enhancing judicial efficiency in India. This article explores the multifaceted dimensions of this integration under the Indian legal system. The integration of ICT within the Indian judiciary represents a pivotal development towards enhancing judicial efficiency, accessibility, and transparency. The legal foundation for integrating ICT into the judiciary is anchored in several legislative and policy initiatives. The Information Technology Act, of 2000, provides the necessary legal recognition for electronic records and digital signatures, facilitating the adoption of e-filing and digital documentation. The new horizon of digital justice was begun in 2005 through the E-Courts Mission Mode Project. This article further explores the legal and practical implications of ICT adoption in the Indian judiciary, particularly in the Supreme Court and other courts. Through a comprehensive examination of the legal framework, implementation challenges, and prospects, this article underscores the transformative potential of ICT in achieving digital justice. Above said legal background, the first part of this article focuses on the legal frameworks and their transformative impacts on ICT and judicial efficiency. The second part examines the challenges and limitations of the digitalization of the judicial process. The third part critically analyses and highlights the judiciary's responses to the integration of ICT and the adaptation process under the Indian legal regime.

Keywords: Digital Justice, Judicial Efficiency, ICT Integration, E-Courts Project, Indian Judiciary

Introduction

Due to the vast and intricate judicial process, the Indian judiciary has historically grappled with challenges such as case backlog, procedural delays, and limited accessibility. The infusion of ICT aims to mitigate these issues by streamlining processes, improving transparency, and fostering greater accessibility. The e-Courts project, initiated by the Government of India, serves as a cornerstone in this digital transformation, underpinning the vision of a more efficient and accessible judicial system. In this regard, the National e-Governance Plan (NeGP) envisages the computerization of district and subordinate courts and the establishment of a National Judicial.

Data Grid (NJDG) It is a database of orders, judgments and case details of 18,735 District and Subordinate Courts and High Courts created as an online platform under the e-Courts Project. Data is updated on a near real-time basis by the connected District courts. It provides data relating to judicial proceedings and decisions of all computerized district and subordinate courts of the country. Through the e-Courts services platform using elastic search technology, currently, litigants can access case status information in respect of 26.044 crore cases and more than 26.047 crore orders and judgments about these computerized courts as of date. On 14.09.2023, the Supreme Court of India onboarded its data on the National Judicial Data Grid. For attaining judicial efficiency, Key areas of focus include the digitization of court records, the introduction of e-filing systems, virtual courtrooms, video conferencing, and the automation of routine judicial tasks. The present empirical data and case studies are demonstrating the reduction in case backlogs, enhanced case management, and improved accessibility to justice.

Digitalization of the judiciary has to be analyzed following issues such as the digital divide, disparities in digital infrastructure, cyber security threats, data privacy concerns, and resistance to technological adoption within the judicial system [5]. In further, socio-economic factors may hinder equitable access to digital justice. However, the ICT integration in the Indian judiciary is offering strategic recommendations for its sustainable and inclusive advancement. It will discuss the need for strengthening digital infrastructure, particularly in rural and underserved areas, capacity-building initiatives for judicial officers and staff, and legislative reforms to address emerging challenges in the digital era. There is a need for a constructive vision for a more responsive, transparent, and efficient judiciary in the digital age.

Structural Frameworks and Their Transformative Impacts on Ict And Judicial Efficiency

In the digital era, the integration of Information and Communication Technology (ICT) in the judicial systems worldwide marks a significant transformation towards enhancing efficiency, transparency, and accessibility. In India, the infusion of ICT within the judiciary represents a paradigm shift driven by comprehensive legal frameworks and policies. The legal foundation for ICT integration in the Indian judiciary is anchored in various legislative and policy measures, designed to facilitate the modernization of judicial processes. Among various legal measures, The Information Technology Act, of 2000, serves as a cornerstone in the digital transformation of the judiciary. This Act provides legal recognition to electronic records and

digital signatures, which are crucial for implementing e-filing systems and digital documentation [7]. In further, Amendments to the Indian Evidence Act, of 1872, have incorporated provisions for the admissibility of electronic records as evidence. Section 65B outlines the conditions under which electronic evidence can be deemed admissible, thus facilitating the use of digital documentation in court proceedings.

To enhance the judiciary and maximise the use of resources in law also to make the justice delivery system most effective and qualitatively, meanwhile, to provide clear and transparent reports of the Judgments and Citations of the Hon'ble apex court for providing effective updates to the Judicial Officers, Counsels and to the Clients, the introduction of ICT is a boon. In the Indian Judiciary implementation of Computerization has been a long process since 1990. It is due to the Cantina's vast judgments and citations of about half a million scores. After a proposal approved by the Union Cabinet. The Ministry of Law and Justice formulated an 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 on 28.12.2004. The E-Committee prepared the report on the Strategic Plan for Implementation of Information and Communication Technology in the Indian Judiciary which was presented to the CJI on 11.05.2005. Based on that infrastructure for ICT was created and many digitalised web applications were developed for the Indian judicial system.

Ever since the National Informatics Centre (NIC) took up computerization in the Supreme Court in 1990, many applications have been computerized which have an impact on the masses i.e. litigants. For the digitalization of the Indian judiciary, the NIC established the Courts Informatics Division. It has completed the task of digitalization at the Supreme Court and 18 High Courts. In this regard, the Technological software and various systems used in the various courts as Follows:

a. **List of Business Information Systems (LOBIS):** It is about the scheduling of cases to be heard by the courts on the following day. It enabled the Registries of the Supreme Court and High Courts to eliminate the manual process of Cause List generation thus any manipulation by vested interests. These databases contain details of fresh cases, disposed and pending cases. It is the backbone application of every Court. Impacts of this software are as follows: (i) As Cause Lists are generated automatically by the computer manual intervention has been eliminated resulting in the generation of Cause List in time without any hassle; (ii) Cases are listed strictly in chronological order of date of filing; eliminated irregularities; (iii) All cases having the same law point(s) to be decided by the courts are bunched/grouped and posted before one bench. This has helped the courts in faster disposal of cases; (iv) It has become simpler to recall dismissed cases when review petitions are filed; (v) On the spot reliable and instantaneous statistical reports are generated; (vi) It has helped the Registry of Supreme Court in streamlining its day to day activities to achieve one of the main objectives of Courtis Project.

b. **Case Management Information System (CMIS):** At present LOBIS was replaced by CMIS. This replacement involved many benefits and improvements. They are as follows: (i) Auto generation and assignment of dates to preadmission matters and civil/criminal applications in admitted/final hearing matters. Thereby introducing certainty and transparency and reducing human intervention; (ii) Listing the matters based on pre-assigned quotas, commensurate with the pendency of the preadmission matters in the particular category of cases; (iii) Automatic generation of notices/writs; (iv) Sending of emails/alerts about status/dates assigned to Advocates/Parties in person (*who register themselves for this facility*). (v) Classification based on subject categories facilitating clubbing and grouping of the matters involving similar/identical issues thereby facilitating their earlier disposal; (vi) There are several other innovative features aimed at introducing certainty, transparency and justifiability in the matter of listing of cases. This CMIS is a comprehensive system dealing with cases/matters, from the stage of scrutiny/filing to disposal to the issuance of after-disposal writs.

c. **Computerization of Case Filing:** In the Supreme Court of India and all High Courts fresh cases are filed only before the computerized Filing Counters. As the advocates stand in a queue to file cases before the counters, the data entry Operator enters preliminary details required for Registration such as Party names, advocate details, etc. The computer terminal at the query counter is used to attend to the quarries of the litigants on the spot. The defects, if any, are listed out and handed over to the litigants/advocates for rectification. Time limitation is also checked by the system automatically.

d. **Status of Pending Cases in 'COURTNIC:** This online platform answers about two hundred queries from litigants/advocates per day all over the country on the status of their pending cases. It is available on nominal charges. Primarily COURTNIC information is available in all NIC-High Court Computer Cells and some District Court. It has been in use since 1993. The response to the COURTNIC from the public is overwhelming, as pending case information is available at his/her District headquarters. It prevents the litigants from coming all over to Delhi from their place. The litigants need not find the status of their pending cases on the phone as is the usual practice. Probably this facility is the first of its kind in the world. In addition, interested litigants and advocates can find out the status of their cases pending in the Supreme Court on the telephone by making use of the *Interactive Voice Response System* (IVR) free of charge. To access this, Phone numbers are 011- 4362062, 4360112. For getting disposal cases, the NIC has brought out a *Judgement Information System* (JUDIS) consisting of the complete text of all reported judgments of the Supreme Court of India from 1950 to till Date.

e. **Online Cause Lists for Supreme Court and High Courts:** Cause lists are the scheduling of cases to be heard by the courts on the following day. The Cause lists of the Supreme Court and many other High Courts are available on NIC Web Servers. As the Supreme Court of India and all the 18 High Courts and their 10 Benches are fully computerized, all these courts

generate Daily and Weekly Cause lists from the computer servers installed by NIC. The Cause list application is the backbone application of all courts as no court can function without that day‟s cause list. Hence this has become near time critical application in all the Courts. Immediately after generation of the Cause list most of the courts recycled the stencils cut from the printers attached to the servers for generating thousands of copies running into a few lakhs of pages every day. Due to this reason, the courts take a lot of time for the generation and supply of the Cause lists to the advocates at their offices or residences. Usually, the advocates receive the cyclostyled copies of a day's Cause List not before 8 PM. Some High Courts send the Cause lists data on floppy to the Printers for printing thousands of copies. This process costs each High Court lakhs of Rupees every year. By making the Cause lists available on the Internet, no High Court is incurring any expenditure as they are using the already available infrastructure and the Software of NIC.

f. District Court Information System (DCIS): It is a huge general-purpose Software package developed for the computerization of District Courts. This software takes care of all aspects of District Court needs. For utilizing this software, NIC *provides three-level training programs to the District Court officials. Firstly,* Computer Awareness Programs for the District Judges. These training programs were chaired by either the Hon'ble Chief Justice or one of the Hon'ble Judges of the concerned High Court. *Secondly,* Supervisory-level training at NIC State Centres was identified by supervisory-level officials and sent to NIC State Centers by the District Courts for training on the day-to-day maintenance of the computers and their peripherals. *Finally,* in-house hands-on training for the District Court officials working on the computer terminals. The District Informatics Officers of NIC posted at the District Magistrates' Office imparted this training. Furthermore, for case management, there are many other websites available online [11].

Challenges of Digitalization of Adjudicatory Process: Transformative Impacts on Judicial Efficiency

In the judicial process, the integration of ICT within the judiciary has led to multifaceted benefits, significantly enhancing judicial efficiency. The digitization of court records has revolutionized document management within the judiciary. Digital records are easily accessible, searchable, and less prone to physical damage or loss. This shift not only expedites the retrieval of information but also reduces the burden on court staff, allowing them to focus on more substantive tasks. E- filing systems streamline the submission of legal documents, making the process more efficient and user-friendly. Litigants and lawyers can file documents electronically, eliminating the need for physical presence and reducing administrative delays. The system also ensures timely updates and notifications, improving case management. The actual challenge is digital infrastructure disparities. The digital divide, particularly between urban and rural areas, poses a significant challenge to uniform access to digital justice. Many rural courts lack the necessary digital infrastructure, including high-speed internet connectivity and advanced ICT tools. This disparity affects the seamless implementation of ICT solutions across all judicial institutions.

In the adjudicatory process, virtual courtrooms and video conferencing facilities have made judicial proceedings more accessible, especially for individuals in remote areas. These digital tools have proven indispensable during the COVID-19 pandemic, ensuring the continuity of justice despite physical restrictions. Video conferencing allows for real-time interaction between judges, lawyers, and litigants, making the judicial process more inclusive and efficient. Hereby main challenge is the lack of cyber security and breach of data privacy. The digitalization of judicial processes raises concerns about cyber-security and data privacy. Judicial records contain sensitive information that must be protected from unauthorized access, cyber-attacks, and data breaches. Ensuring robust cyber-security measures and compliance with data protection laws is paramount to maintaining the integrity of the judicial system.

In real courtroom situations, ICT enables the automation of routine judicial tasks such as scheduling hearings, issuing notices, and managing case dockets. This automation reduces the workload on judicial officers and administrative staff, allowing them to focus on more complex legal issues. It also minimizes human errors and enhances the accuracy of judicial records. But, resistance to technological change among judicial officers, legal practitioners, and court staff is another significant challenge. Many stakeholders are accustomed to traditional methods and may be reluctant to adopt new technologies. This resistance can hinder the effective implementation of ICT solutions and impede the digital transformation of the judiciary.

According to the digital era of the Indian judiciary, the National Judicial Data Grid (NJDG) facilitates real-time tracking of case statuses, providing transparency and enabling efficient case management. Litigants, lawyers, and judicial officers can access up-to-date information on pending and disposed cases, promoting accountability within the judicial system. The integration of ICT in the judiciary reduces operational costs by minimizing the need for physical infrastructure and resources. Digital documentation, e-filing, and virtual hearings significantly lower the costs associated with paper, storage, and transportation, making the judicial process more economical. But in reality, socio-economic factors such as literacy levels, digital literacy, and financial constraints further exacerbate the digital divide. Marginalized communities often lack access to digital devices and the internet, limiting their ability to participate in digital judicial processes. This digital exclusion undermines the principle of equal access to justice. In further, the rapid advancement of ICT necessitates continuous updates to legal and regulatory.

Frameworks. Existing laws and regulations may not adequately address emerging issues such as digital evidence, electronic contracts, and online dispute resolution. Bridging these legal and regulatory gaps is essential to ensure a comprehensive and adaptive legal framework for digital justice.

Judicial Responses and Adaptation of Ict Under Indian Legal Regime

In India, the judiciary's proactive approach towards ICT integration is evident in various judicial responses and adaptations.

The Supreme Court's suo motu writ petition on video conferencing during the COVID-19 pandemic is a landmark initiative. The guidelines issued by the Supreme Court facilitated the seamless functioning of courts through virtual hearings, ensuring the continuity of judicial proceedings while adhering to social distancing norms. This adaptation not only showcased the judiciary's resilience but also set a precedent for future digital transformations.

High Courts across India have implemented various ICT initiatives to enhance judicial efficiency. For instance, the Delhi High Court's e-filing system and the Bombay High Court's digital courtroom project have significantly improved case management and accessibility. These initiatives demonstrate the judiciary's commitment to embracing technology for better service delivery.

To overcome resistance to technological change, the judiciary has prioritized training and capacity-building programs for judicial officers, legal practitioners, and court staff. These programs aim to enhance digital literacy and familiarize stakeholders with ICT tools, fostering a culture of innovation and adaptability within the judicial system.

Collaboration with governmental and non-governmental organizations, technology providers, and academic institutions has been instrumental in driving ICT integration. The judiciary's partnerships with entities such as the Ministry of Electronics and Information Technology (MeitY) and the National Informatics Centre (NIC) have provided the necessary technical support and expertise for successful implementation.

Conclusion

The integration of ICT into the Indian judiciary heralds a new era of judicial efficiency, aligning with global standards of digital justice. By addressing existing challenges and capitalizing on the benefits, the judiciary can enhance its responsiveness, accessibility, and transparency. The ongoing digital transformation is not merely a technological upgrade but a fundamental shift towards a more equitable and efficient judicial system, poised to meet the demands of contemporary society.

By enhancing judicial efficiency, accessibility, and transparency, ICT has the potential to address longstanding challenges within the judicial system. However, realizing this potential requires concerted efforts to overcome infrastructural, procedural, and security-related challenges. Through continued investment, training, and legal reforms, India can pave the way for a more efficient and equitable judicial system, ushering in a new era of judicial efficiency and digital justice.

The successful realization of digital justice requires a collaborative effort involving the judiciary, government, 0legal practitioners, and civil society. Through strategic investments in digital infrastructure, continuous legislative reforms, and a commitment to promoting digital literacy and inclusion, India can lead the way in establishing a model of judicial efficiency that leverages the power of ICT for the greater good.

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