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ASSESSING THE NEED FOR LEGAL REFORM ASSOCIATED WITH THE USE OF ICT FOR DELIVERY OF JUSTICE IN INDIA

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“A meaningful life can be extremely satisfying even in the midst of hardship, whereas a meaningless life is terrible ordeal no matter how comfortable it is.”- Yuval Noah Harari,

Sapiens

Abstract

An important first step in tackling systemic issues including inefficiencies, delays, and access hurdles is the Indian judiciary's implementation of information and communication technology, or ICT. This study evaluates the necessity of legislative changes to allow for the efficient application of ICT in the administration of justice while guaranteeing that it is consistent with judicial accountability and constitutional principles. ICT has become a potent instrument for advancing access to justice by overcoming procedural, socioeconomic, and geographic barriers, therefore increasing the efficiency and inclusivity of the legal system. The study investigates the reasons behind the judiciary's increased reliance on ICT, such as the backlog of cases, inadequate infrastructure, and the rising need for justice and openness. It also assesses the projects that have been carried out, such the eCourts Mission Mode Project, which has made substantial progress in computerizing Indian courts. The study emphasizes the observable advantages of ICT integration, such as decreased pendency, expedited case handling, and increased public confidence. ICT adoption has obstacles despite its potential, including gaps in data security and privacy policies, digital illiteracy, and poor infrastructure in rural areas. The study highlights the necessity of investing in digital infrastructure, training stakeholders, and enacting legislation that addresses these problems. The study ends with a forward-looking perspective, promoting a hybrid paradigm that strikes a balance between open justice ideas and technological improvements. ICT has the power to make India's judiciary more approachable, open, and effective by supporting focused reforms and teamwork.

Keywords: Indian Judiciary, ICT, Digital Justice, E-Courts Mission Mode Project

Introduction-

Justice is the foundation of society. Scholars like Rawls accept that Justice is important for fairness in society and if the justice isn't accomplished there wouldn't be fairness in the society. Similarly, Philosophers like Kant accepted and believed that entire of the Ethical Structure of the society would fall on if the fair consequence of justice is not given. Different organs of each and every acculturated State work for the improvement of justice. Courts and judiciaries work for justice and equity. Legislature legislates for justice. Executive enforces the law for the sake of justice. Likewise, with coming of Data Innovation, E-Judiciary or Digital Justice is a stage towards the progression of the existing Indian Judiciary. The Indian legal system was enormously different during the pioneer rule in India. But the Modern India under the blueprint of constitution of India have turned into a bound together pyramid like structure. Each part of the human existence saw an extraordinary improvement remembering for the field of Data Innovation. So far, the Judiciary didn't stay behind and presently the courts are changing into e-courts and judiciary into e-judiciary.

Access to Justice through Information Technology

In the contemporary time, different drives are being taken in the data innovation area at the public level. As per the 108th Recommendation¹ which was given by the Top State Leader of India gives that the errand to accomplish the objective of the forming India into 'IT Superpower'. The utilization of computers has been hugely expanding in the private as well as the public area. All applications made in the Indian Rail line, Educational Institution, Farming and so on have been ended up finding success recognised on the global stages for their work. This moment is high opportunity that innovation ought to be utilized in the organization of equity. E-justice can be incorporated as a component of e-governance. Since the Indian legal executive is exceptionally wide consequently e-justice assumes a critical part in the organization of equity. Beginning around 1990 different endeavours have been made to modernize the legal executive as e-justice. A task for example 'Mission Mode Project'(MMP)² which has a place with the National e-governance plan discusses the headway of courts through data innovation. It was proposed that the data and correspondence innovation will be bifurcated

¹Prime Minister, Narendra Modi on 31st Dec, 2023 by PIB Delhi

<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1991889>

² E-court services, services.e-courts.gov (January 1, 2025), https://services.ecourts.gov.in/ecourtindia_v6/static

in three stages north of 5 years. The principal objective of this task is to create, convey, introduce, and execute robotized direction and choice emotionally supportive network in the courts. The main goal of MMP:

1. Reformation of court activities in the judicial administration.
2. To diminish the pendency of cases.
3. To give accesses to correct data to the disputants.
4. It gives data in regards to lawful and legal data sets to the legal specialists.

If this plan gets completely carried out, the decisions, cause list and other applicable data with respect to the case can be made accessible on the web. After this renewal, the recording, summons, notice to parties, and so forth should likewise be possible with internet which can diminish the weight from the courts. Further, the certified duplicates given by courts can be accessible in computerized structure. This task came into force in December 2004 and an e-committee was framed to direct the exercises of the arrangement. Different plans and public arrangements were made by this board of trustees. Until now, courts in Metropolitan urban communities and Capital urban areas have been covered. Article 129 in regard of High Court and Article 214 in regard of High Courts. This was finished to help the residents so they can get the data with next to no obstacle. There are many examples where the observers or the casualties can't be available face to face in the court accordingly the office of video conferencing can be made accessible to stay away from defer treachery. This project makes a data set in which expenses are registered electronically which thusly lessens defilement. Further, the cases can be allotted to the adjudicators electronically. It orders comparable cases in a gathering so their references can be taken without any problem. With the assistance of this framework, even the proof can be safeguarded, and nobody can treat with it. Generally, this framework assists with modernizing and advance the legal judiciary in India.

Causes of Emergence of Judiciary

1. **Workload:** At the point when India got freedom, there was a populace blast as well as the quantity of cases was immensely expanding. The excess of cases has developed and eventually it has essentially overburdened the judiciary.³ The vast majority of the legal advisers and judges have remarked that most likely to clear the extraordinary pendency; an additional 320 years are required.⁴

³ Justice BB Malhotra Allahabad High Court, in an article 'Court Management' published [J.T.R.I. Journal First Year, Issue-3-Year-July-September 1995]

⁴Indian Judiciary would take 320 years to clear the backlog of 31.28 million cases pending in various courts

2. Ratio of Judges: As per Law Ministry Data, the number of judges in-country has updated throughout the last 3 years. According to the tremendous populace in the country, the quantity of judges isn't adequate.⁵ The report which was prepared in March of this current year which was examined in Parliament and gives the data about the proportion of judges for example 19.49 per million individuals. In the said report it was likewise giving data about the quantity of judges which are required in the Supreme court, High courts, and the Lower Courts.

The target of achieving the decrease in the time of removal of cases and to lessen the pendency of cases in a bound period is of vital importance.⁶ The judges are to conclude the questions as well as need to go about as a administrator in administrating the undertakings of courts and ought to go about as a decent manager.⁷ In the event that this organization and legal work are not finished in a legitimate time then it will cause what is happening of unfortunate administration of assets. The legal efficiency and nature of judge's quality, as Dr. MadhavaMenon has expressed, had arrived at a terrible shape.⁸

Need for Legal Reforms Associated with usage of ICT in India Judiciary

In the current period, e-governance turned into a necessity of each and every aspect of life, it improves productivity, builds straightforwardness and responsibility diminish defilement in the judiciary. Technological advancement in the field of legal judiciary assumed a significant part and turned into the defining moment in the development of humanity. With the assistance of data and innovation, the existence of people turned out to be exceptionally simple. In different nations, data and innovation are as of now taken on in the field of organization of justice and it is likewise ended up finding lasting success. In this way, it is conceivable that the organization of justice should be possible through innovation.

Dr. APJ Abdul Kalam, one of the greatest scientist and former President of India likewise accentuated to present innovation in the courts and said that: *"Technology is an essential*

including High Courts in the country, Andhra Pradesh HC Judge Justice VV Rao said. Courts will take 320 years to clear backlog cases Justice Rao- India- The Times of India.

⁵Justice BB Malhotra Allahabad High Court, in an article 'Court Management' published [J.T.R.I. Journal First Year, Issue-3-Year-July-September 1995]

⁶J.T.R.I. Journal 2011 STRENGTHING THE JUDICIARY TOWARDS REDUCING PENDENCY AND DELAYS- JUSTICE P. Satashivan

⁷ Journal of Education and Social Policy Volume 1; June 2014.

⁸State of Justice an Agenda for Change Dr. MadhavaMenon. The Hindu Newspaper dated 8th July 2001.

element of change in all spheres of life. The human element involved also is an important factor. If technology is properly used, it can bring about tremendous changes for the betterment of life. Any change be contemplating is for speedy justice delivery mechanism keeping in focus the quality, transparency, and public accountability”

At first, at the level of Supreme Court and High Court, the innovation was squeezed into administration and the cases were on the whole correct to be discarded expeditiously.⁹

This modernization of the judiciary has created cordial relations with citizens and it likewise established a well-disposed climate among bar and bench. The pendency of cases in contrast with a prior period when data innovation was not presented in the judiciary, has now diminished positive manner.

Steps Taken to implement the Policy for Computerisation in Indian Judiciary

- 1. Development of Software-** The readiness of programming is a significant assignment which is finished as a team with the Public Informatics Community. Redone programming for example 'Litigation Management System' was ready under the direction of senior judge Justice Dr. GC Bharuka. After sometime the Litigation Management System was supplanted by new software for example 'Case Management System' which was likewise made by National Informatics Centre, Pune. The capacity of the Indian programming was appropriately carried out.
- 2. Extension of Network in Rural Areas-** For the appropriate working of the technological innovation, the web and network assume a significant part from conventional shift to technological shift. If the legitimate facilities of network and web are absent, the computer area and laptop can't be utilized and just the last choice left was a customary typewriter which is a tedious process.
- 3. Primary Administrative Setup-** Whenever any individual needs any data in regards to the case wherein he is involved, he gets the essential data effectively like name of the parties, nature of the case, subject matter of dispute, with respect to arrangement of order sheet, the relief claimed, or readiness of summons. Prior to technological advancement it was exceptionally difficult to gather the information of data and it was challenging for them to get this data on time. But nowadays, these things became

⁹ <http://IndianCourts.nic.in/courts/itinjud.html>.

simpler and whatever information the parties want to have related to their cases they can easily get access to it. The planning of summons and other important reports can be arranged effectively and furthermore effortlessly served to the individual.

- 4. Recording of Evidence-** It is essentially the functions of trial court to record the evidence on questioned realities and articulate judgment on the principles of laws. The task of the recording of evidence is important to be finished in a hazy manner. The old procedure for recording the proof through a typewriter has now been supplanted utilizing the mechanical means to keep the assertions of the observer in the court. Besides, printers of extraordinary quality have now been adjusted with a legitimate web connection so that the parties and the council addressing the parties can have the printouts of the assertions or statements without confusions and complications.
- 5. FIR and Technology-** The first information report is a record containing data about the commission of an offense. Segment 154 of the Criminal Procedure Code expresses the arrangement in regards to the main data report. FIR is of such significance that can help in addressing the case at first instance. However, delay in the transmission of FIR can make negative angles for the case and demonstrate as postpone unfairness and injustice. But by the utilization of the mechanical program, this delay can be taken out and it could likewise prevent the deficiency of time. Concerning this different step has been taken to make individuals mindful of lodging the FIR online.
- 6. KIOSK and People Friendly Environment-** Clarity and admittance to data in the judicial process are different significant. To accomplish this goal, information center should be laid out. With the assistance of these centers, one can undoubtedly have the admittance to the data about the procedures happening for the case. In addition, SMS cautions, IVRS, and so on are currently being facilitated to make individuals mindful of the stages of proceedings.
- 7. Video Conferencing and Judicial Administration-** Video conferencing is viewed as one of the main tools the administration of justice. There are many occasions where the significant observers and witnesses can't be available in that frame of time face to face because of which there is a delay in justice and consequently by communicating with the observers or other individual through a video conferencing can work with the courts to give justice on time.
- 8. Tools to Prepare Judgements-** While articulating the judgment the judges need to gain admittance to online journals like All India Reporter, Supreme Court Cases which can

be accessible online right at the snap of the mouse. This can be easier to use than the current arrangement of complicated nature, which is likewise very tedious.

- 9. E-Courts and Paperless Administration-** Starting from the introduction of e-courts, the paperless courts are laid out. The principal paperless court has been laid out in the capital of the country, New Delhi. With the introduction of the e-courts, the tedious cycles are annulled, and it has decreased the responsibility as well as saved money. It was like one of the fantasies for the Indian Judiciary which has now materialized. As of now, it is additionally settled in many pieces of the country.

Following outcome can be achieved from the introduction of ITC in Judiciary

1. Change from ordinary rule of hearing cases from actual courts to virtual courts is needed for speedy justice in India.
2. By utilizing video conferencing and phone technologies successfully, a paperless court to a crowd-less court can without a doubt turn into a reality of achieving a goal of Digital Judiciary in India.
3. With reduction being used in paper, India will offer more in battling a Global Warming and help in decrease of carbon impressions of country leading to saving of environment from depredation.
4. Innovative Technological shift can lessen the weightage of cases and save the invaluable time of the courts.
5. Digitalization can really go about as a powerful solution for regulation of long drawn law delays and pendency.

Conclusion and A Way Forward

Data innovation and Technological advancement has immeasurably added to the development of human civilization and is connecting and contributing in each and every phase of human existence. The computerization of Indian judiciary has been started beginning around 1991-1992, for office computerization, support of record and setting up the paroles. In the year 1997-98, computers were introduced in the supreme court of India and some high courts for everyday exercises of the courts and printing of orders and judgements. Article 14 of the constitution of India which guarantees the right of equality and the article 21 lay out that the life and liberty of an individual are of at most significance which can't be deny in any case then the fair just and reasonable procedure established by law. In such manner the further development of man-made brainpower Information and technology has immeasurably contributed to the evolution

of human civilization and is reaching out in every phase of human life.

The foundations for the delay in the judicial framework is both methodical and subjective, which is because of the sluggish process of our judicial framework which thus brings about stay of trials and postponed disposal. In this way, it is huge essential for the great court organization that a quick removal of litigation ought to be finished. For this if the technological advancements are used by the court staffs than this issue can be minimized.

The stage II of the Mission Mode e-Courts Project that was endured in the year 2018, giving a way for stage III, in which there was developments of new innovation like 5G applications, are edificial fitness, surrounding; better reality; machine variant, coordination with versatile, acknowledgment of discourse, Internet of things (IOT) and so on to accomplish a capable, expectable, straightforward and responsible digital justice in India.

There has been a striking improvement in the e-judiciary since most recent twelve years. Likewise, it has the help of Government of India as contrast with any development legal framework. Therefor one might say that the days are not so far when all are lawful work area in what so ever language will be converted into advanced language so computers and frameworks can comprehend them to.

The judiciary should be the most headstrong, things being what they are, detainee to individual stakes and impenetrable to change. The saying "never waste a good crisis" allows the Indian Judiciary a credible opportunity to change its working basically. The exceptional ability of virtual courts if fittingly executed and loosened up to live-spouting of cases is enormous.