

**E-LITIGATION AND E-JUDICIARY SYSTEM IN INDIA - A STEP TOWARDS  
MODERNIZATION**

*Ashish Gupta\**

**ABSTRACT**

Information Technology revolution is certainly making up every corner of India. Keeping tuned in to cutting edge innovation is of principal significance to encourage and enhance court administration and to have an efficient and effective judicial system. Therefore it is the duty of the government to take appropriate action to modernize our judiciary by providing with modern technology courts and e-litigation system to suit the twenty-first century. During the period of East India company, changes took place to have a modern judicial system. After independence, old framework proceeded to a great extent under the framework of Constitution of India and Indian judiciary became a unified pyramidal structure. The modern India while has the said structure the information and communication technology has virtually paved a new line of thinking in modernizing Indian judicial system. A general audit of the advancement in the administration of justice till now achieved and the things to be achieved are going to be considered in the light of artificial intelligence and its use in the sentencing process. This article is an endeavor to investigation and study in the field of legal education the technological impact. Thus, this paper intend to have a study under three different groups such as a study with reference to past computerization, the present stage of computerization and how it has to evolve in future. Genuine endeavors were made to utilize the accessible and available material on this article topic. Ultimately to have a scientific empirical analysis to have a look as to how the computerization in the judiciary has become an effective tool to bring down the pendency of cases and to reduce the delay. This study, in the accompanying pages, seeks to present, examine and investigate aforementioned issues at some length and offer perceptions wherever found necessary.

**E-LITIGATION MEANING AND INTRODUCTION**

The concept E-Litigation System is generally new; there is no particular and effective framework to transform our Court System to a paperless e-litigation system and framework that allows court documents to be prepared and filed electronically. We ought to develop

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\* 3<sup>rd</sup> Year, B.A., LL.B., Chanderprabhu Jain College of Higher Studies- School of Law, New Delhi.

infrastructure facilities that support paperless e-litigation framework which allows lawyers to prepare, file, extract, serve and receive documents electronically. Copies of e-documents can be easily inspected and extracts thereof made available to lawyers in the comfort in their own offices. Unlimited number of electronic documents could be stored in a very little space relieving paper handling problems.

The benefits of this framework are:

- i. Improved efficiency & productivity
- ii. Provides an automated case tracking and monitoring system recovery
- iii. Less manpower
- iv. No paper handling problems
- v. Pro-active role in case management
- vi. Provides an integrated information system
- vii. Facilitates faster document filing and
- viii. Minimizes corruption
- ix. Improved confidentiality and security of case records
- x. Large storage facility for case records available.

#### **A. Audio-Visual Technology**

In most recent advances technologies courts ought to have the latest audio-visual technology which facilitates the presentation of evidence and greater efficiency in the hearing process. Video – conferencing facilities ought to also be made available for the testimony of vulnerable witnesses who cannot be physically present in court. The proceedings ought to be recorded in digital audio form in all trials in the Court which are considered as official records. Transcriptions of recordings are done at the same time so that the parties and their counsel could have their transcriptions to suit their litigation needs.

#### **B. The Electronic Queue Management System (EQMS)**

The Electronic Queue Management System (EQMS) ought to be made functioning in all Courts. This will provide an efficient and equitable system for managing queues. This serves on a first come-first served basis and notifies lawyers of when their case is going to be taken up through display screens located at various places in the building. Lawyers and the parties may also opt to be notified by Short Message Service on their mobile phones. This system effectively prevents the wastage of valuable time of the lawyers and the litigants in courts.

### C. Electronic Filing System (EFS)

The Electronic Filing System ought to function very efficiently in the Supreme Court and Subordinate Courts, which offers the following services in civil litigation.

1. Electronic Filing Service,
2. Electronic Extract Service,
3. Electronic Service of Documents,
4. Electronic Information Service.

### D. Work by National Informatics Centre (NIC)

Ever since National Informatics Centre took up computerization in Supreme Court in 1990, many applications have been computerized which have impact on masses i.e. litigants. Following are some of the applications which have been successfully implemented at Supreme Court and eighteen High Courts out of twenty four High Courts and these applications have either direct or indirect impact on the masses.

#### Supreme Court of India

##### a) List of Business Information System (LOBIS)

It is about scheduling of cases to be heard by the courts on the following day. It enabled the Registries of Supreme Court and High Courts in eliminating 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. Its impact is as follows:

- i. Cases are listed strictly in chronological order of date of filing; eliminated irregularities
- ii. 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.
- iii. It has become simpler to recall dismissed cases when review petitions are filed.
- iv. On the spot reliable and instantaneous statistical reports are generated.

##### b) Filing Counter Computerization

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 queue for Filing cases before the counters, the data entry Operator enters preliminary details required for Registration such as Party names, advocate details and so on. 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. Its impact is as follows:

- i. The filing process is made easy
- ii. The advocates/litigants need not wait for a long time in the queue
- iii. The amount collected towards Court fee in a day is automatically calculated thus saving the time of court official's time
- iv. Query counter avoids the litigants go around the sections to find out the Filing status
- v. Filing process is orderly
- vi. Saves time and efforts of advocates and court officials

c) COURT NIC

This is about providing Supreme Courts' pending case status information to litigants/advocates on any node of NICNET. COURTNIC answers about three hundred queries of litigants/advocates per day all over the country on the status of their pending cases. It is available on nominal charges. Primarily Court National informatics centre information is available in all National informatics centre -High Court Computer Cells and in some District Court. The response to the Court National informatics centre from the public is overwhelming, as pending cases information is available at his/her District headquarters. It avoids the litigants to come all over to Delhi from their place. The litigants need not find the status of their pending cases on phone as is the usual practice. Probably this facility is first of its kind in the world. National informatics centre has brought out Judgment Information System (JUDIS) consisting of complete text of all reported judgment of Supreme Court of India since 1950 to till Date.

d) Supreme Court's Pending Cases on Interactive Voice Response System

Interested litigants and advocates can find out the status of their cases pending in Supreme Court on telephone by making use of Interactive Voice Response System (IVR) free of charge.

e) Cause Lists on Internet

Cause lists are scheduling of cases to be heard by the courts on the following day. The Cause lists of 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 of all courts as no court can function without that day's Cause list.

In earlier days, immediately after generation of the Cause list most of the courts cyclostyle 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 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 Courts Lakhs of Rupees every year. By making the Cause lists available on Internet, no High Court is incurring any expenditure as they are using the already available infrastructure and the Software of National informatics centre. The features are:

- i. Available on Internet.
- ii. Cause lists of all High Courts can be accessed at Uniform Resource Locator.
- iii. Advocates can generate their own Cause list consisting of his/her own cases.
- iv. Retrieval through the name of either petitioner or respondent.
- v. Court wise list can be generated.
- vi. Judge wise list can be prepared.
- vii. Entire Cause list can be printed, if required.
- viii. Case number wise access is possible.

Its impact on administration of Justice is:

Lawyers are able to receive the Cause lists almost immediately after courts hours, Advocate can generate their own casuists which will contain only their cases, thus avoiding them to go through hundreds of pages to locate their cases. As the application is available on Internet, the litigant public can easily find out whether their cases are coming for hearing or not, without bothering the legal practitioners. Some courts are considering to reduce the generation of copies of Cause lists, as most of the advocates are dependent on the Internet version of Cause lists, thus the courts of India can save good amount money on yearly basis.

### **HIGH COURTS COMPUTERIZATION**

National informatics centre took up computerization of all 18 High Courts and 9 Benches on the lines of Apex Court's Computerization. National informatics centre implemented the List of Business Information (LOBIS) in all High Court Courts. Some of the High Courts' Cause

List are also available on Internet. Many possible applications in all High Courts have been computerized. Most of the High Courts have opened query counters along with Filing Counters for providing pending cases information to the litigants and advocates. Facilities provided are:

- i. Cause lists are generated automatically
- ii. Bunching/Grouping is done
- iii. Computer based Filing Counters are opened
- iv. Query counters are available
- v. All High Court's are connected on National informatics centre Network
- vi. Day to day Judgments and Orders are stored on computers

### **DISTRICT COURTS COMPUTERIZATION**

In 1997, National informatics centre took up the computerization of all 430 District Courts in the country on the lines of High Courts Computerization Project. The basic objectives of the project are:

- i. to provide transparency of information to the litigants and legal practitioners
- ii. to help the judicial administration in streamlining its activities
- iii. to provide judicial and legal databases to the District Judges

National informatics centre provided three level training programs to the District Court officials.

The three levels are -

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.

Supervisory level training at NIC State Centers. These supervisory level officials were identified and sent to NIC State Centers by the District Courts for training on day to day maintenance of the computers and its peripherals.

In-house hands on training to the District Court officials working on the computer terminals. The District Informatics Officers of National informatics centre posted at the District Magistrates' Office imparted this training.

All officials have been trained on 'District Court Information System' (DCIS).

The DCIS Software 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.

## **E-JUDICIARY MEANING AND INTRODUCTION**

Judiciary in India has an ancient past since a long time. Among the Countries of Asian Continent, it may not be outside of context to say that administration of justice in India has a historical background of nearly 5000 years. Diverse Rulers from time to time had governed the affairs of the State and had administered justice by resolving disputes. Even during medieval period, the same trend continued more or less on similar pattern. The modern setup of Indian judiciary traces its immediate existence to the advent of British rule in India. The courts were established at Presidency towns by East India Company and subsequently followed by British Parliament<sup>1</sup>. Further in the native states, the judiciary was functioning under the aegis of the local rulers, continuously received the same pattern.

## **STRUCTURE OF JUDICIARY AFTER FREEDOM**

In independent freedom India, after adopting “for ourselves” the Constitution of India, steps were taken to have a unified or integrated judiciary with a pyramid type structure having the Supreme Court of India<sup>2</sup> as the Apex Court of the land with administrative total independence and the High Courts<sup>3</sup> at the level of each State and sub-ordinate judiciary<sup>4</sup>, nay District Judiciary at the level of the Districts, subject to control and supervision of respective High Courts.

The Supreme Court of India is the highest court of the country having judicial authority, while the High Courts have both administrative and judicial power in respect of the affairs of the district judiciary. The constitutional role of both Supreme Court and High court may be said to be that of two brothers. Though the High Court has vast power yet the Supreme Court is like an elder brother, having certain plenary powers and powers of extraordinary nature. Article 142 of the constitution of India envisages that the ruling of the Supreme Court binds all courts in India and therefore all courts including High Courts are bound by the decision of the Supreme Court. Both the Supreme Court of India and High court of States are the court of record<sup>5</sup> and have powers to punish persons for the contempt of court.

In the hierarchy of the courts, as referred to above, among the District Courts further classification is noticeable by having courts for civil and criminal justice. At the level of the civil justice system, the civil judge junior division finds a place at lowest point of the

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<sup>1</sup> Constitutional History of India, M. P. Jain.

<sup>2</sup> Art. 124, the Constitution of India.

<sup>3</sup> Art. 214, the Constitution of India.

<sup>4</sup> Art. 235, the Constitution of India.

<sup>5</sup> Art. 129, the Constitution of India and Art. 214, the Constitution of India respectively.

hierarchy. The civil judge senior division presides as an appellate court and also court of original jurisdiction. Above the civil judge, senior division, the district court acts as a link between the High Court and the courts sub-ordinate to the District Court. The District Court possesses not only both appellate and original jurisdiction but also administrative control, subject to the overall control of High Court, in respect of courts subordinate to it. Similarly, in criminal side, the court of judicial Magistrate first class, Chief Judicial Magistrate and over which the session courts are constituted. Any order passed by the sub-ordinate judiciary is appealable to the High Court and Supreme Court. Sub-ordinate judiciary is bound by the decisions of the not only Supreme Court of India but also the respective High Courts to which the Court is under control.

### **HEAVY WORK LOAD AND RATIO OF JUDGE AND COMMON MAN**

After India attained freedom and Independence, not only there is an expansion of population but the pendency of cases has grown in a multidimensional way. The pendency of cases has grown and ultimately it has virtually over-burdening the judiciary. The mounting arrears of cases in Courts, particularly in District Courts and High Courts, have been a cause of worry.

The aim of bringing about the reduction in the time period of disposal of cases and to reduce the existing pendency of cases in a time bound period is of paramount importance. Former Chief Justice of India Dr. Manepalli Narayana Rao Venkatachaliah indeed had pointed out that, the disillusionment with the judicial system has led to a dangerous increase in janadalats or kangaroo courts in many parts of the country. It is time the county took a serious and comprehensive look at the entire legal system with special attention to tackling the problem of backlog. Too much time has gone by and too little has been done to sort out a problem that undermines the rights of litigants and accused, damages the credibility of the judiciary, and weakens the very basis of the democratic order.

The judges are to decide not only the disputes but also have to act as administrators in administering the affairs of his court and ought to act as good managers. The lack of administrative capability and facilitating the judicial work in a time bound manner had virtually created a situation of poor management of resources. The judicial productivity and quality of justice, as Dr. Neelakanta Ramakrishna Madhava Menon has stated, had reached a worse shape.

### **NEED FOR A MODERN NEW LOOK?**

Electronic Governance or e-governance is the key word in every sector of life today. It increases productivity, enhances transparency and accountability, reduces red tape and corruption in administration regime. Technological advancements in the field of information



and innovation of computer technology have made a turning point in the history of human civilization. It has brought about a sea change in all fields of human activity. It has resulted in enhanced efficiency, productivity and quality of output in every walk of life. The information technology has been advocated in the western countries for the last two or three decades. This scenario gained alarming thoughts to have technology combined in administration of justice. Former President of India, who himself is a technocrat had stated about introducing of technology in courts had stated that:-

Technology is definitely an essential 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 we contemplate is for speedy justice delivery mechanism keeping in focus the quality, transparency and public accountability.

At first, at the level of the Supreme Court and High Court, the technology was pressed into service and the cases were tried to be disposed off expeditiously.

List of Business Information System (LOBIS), Filing Counter Computerization, COURTNIC, JUDIS, Supreme Court and High Courts pending Cases on Interactive Voice Response, display boards, and Cause Lists on Internet, are some of the positive steps which were taken in a consistent manner over a period of time. These things indeed have a very high impact in not only making the institution of judiciary at higher level a people friendly but also has cut the expenditure on the exchequer. The transparency affected has brought about a friendlier environment between the Bench and bar.

### **COMPUTERIZATION AND MODERNIZATION OF DISTRICT JUDICIARY ACROSS THE NATION**

This experimentation which had been done at the level of High Court and Supreme Court needed to be implemented at the level of the Trial Court, as majority of cases were and are pending. The steps were taken to implement computerization at the level of the Trial Court. The same was done with an active association and involvement of National Informatics Centre, and also the zeal exhibited by progressive minded judges like Justice Yatindra Singh, Justice G. C. Bharuka and Justice Madan Lokur. The State of Karnataka implemented and enforce at first the concept of computerization as a model state even at the level of lowest level that is Taluka courts.

### **STRATEGY TAKEN TO IMPLEMENT THE POLICY OF COMPUTERIZATION AT DISTRICT LEVEL JUDICIARY**

Hon'ble Mr. Ramesh Chandra Lahoti Former Chief Justice of India, the then chief justice of Supreme Court of India, and Prime Minister had a joint meeting and decided that specific positive steps are to be taken under the aegis of Apex Court and accordingly a high power committee was constituted. Thus The process of computerization in the Indian judiciary could be probably categorized into 3 phases, such as that of, identification of location and procuring the site for developing computerization. The second stage being concerned mainly to that of procurement of hardware and software needed to meet the computerization. The third stage was that of to bring about the further developmental activities to make computerization to meet the needs of the common man.

### **PREPAREDNESS WITH SOFTWARE**

The software development is an important task and the same was done in association with National Informatics Centre. National informatics centre of Karnataka region under the guidance of experienced senior judge had prepared customized software called 'litigation management system'. Now the same is replaced with a latter developed version such as that of "Case Management System" as developed by National Informatics Centre, Pune. The technical skill of Indian software developers is utilized.

### **NETWORK AND ITS EXPANSION TO THE RURAL SETUP**

The internet and network is more important in having the technology to function in a proper manner. If these things are not there then the use of desk top or laptop would be only to replace a traditional typewriter. Therefore in the State of Karnataka steps are taken at many of the courts to have dedicated line. The services of Indian telephones are availed of. The Optical Fibre Communications is used to have quick transmission wherever it is needed. The best utilization of technology in developing Local area network (LAN), Wide area network (WAN), State Wide area network (SWAN) has been put in to an effective use.

### **ADMINISTRATIVE SETUP AND PRELIMINARIES**

Whenever a plaint is instituted in a court capturing certain information like name of the parties, nature of the case, subject matter of the dispute, relief claimed, generation of order sheets, preparation of summons is an important work. Earlier these steps use to take lot of time and there by much wastage of man power use to be there. The litigant public had no opportunity to know the details at which stage the consideration was needed.

These mechanical works is now done through the use of technology. The collated information has virtually facilitated the office to generate summons and notices almost instantaneously. The movement of papers and organized arrangement to track the said movement was established.

## **RECORDING OF EVIDENCE**

Trial courts are the courts which basically record the evidence on disputed facts and render judgment by applying the principles of law. Recording of evidence correctly in a transparent way is an essential task. The old pattern of recording by hand and later development of getting it typewritten in open court has now given way to a system of using the technological means to record the statements of the witness in open court. Besides this the high end printers are now installed with network connection and as such the litigant public and members of the bar representing parties can have the printouts without much delay.

## **PROVIDING INDIVIDUALIZE LAPTOPS**

After the completion of the said stage to a major extent, the procurement of the hardware and software started and as such not only software has been developed but also standardized software was procured. Each of the judicial officers was provided with Laptops, Printers individually and training was given to make them more computers friendly. Besides the judicial officers, the clerical and administrative staff was trained as to how they ought to use the computers on a network basis. The network was developed at the level of Local area network (LAN), Wide area network (WAN), State Wide area network (SWAN) and also an attempt to have national grid have data bank. Providing individual lap tops with broad band facility has made it possible to have access to internet and to have the window open to the world at large to have a broader vision in deciding a case in an effective manner. In fact this is a part of e-courts implementation project as projected by the National Informatics Centre.

## **FIRST INFORMATION REPORT AND TECHNOLOGY**

First Information Report is a document prepared by police organizations in Bangladesh, India, and Pakistan when they receive information about the commission of a cognizable offence. It is generally a report lodged with police by any person having social concern. Section 154 of The Code of Criminal Procedure, 1973 (as amended) deals with reference to First Information Report. The delay in submitting First Information Report to the Magistrate would invariably inure benefit to the accused as a doubt would be created in the mind of the court as to whether the said document is a tailored one or otherwise. The delay in transmission of the report could be solved by submitting the same through the use of technology. The steps are now taken to transmit First Information Report online. As an experiment in the State of Karnataka now the transmission of First Information Report to the court of District judge is undertaken. By utilization of the technological program there will not be any delay which gives rise to unwanted arguments and also would prevent any loss of

time. In due course the steps have to be taken to transmit them from the jurisdictional police station to the court of Magistrate with in whose limit the offence had been reported.

### **HEEDING TOWARDS THIRD STAGE DEVELOPMENT**

The third stage has an important stage under which the computerization has gone to the level of various stake holders such as litigant public, judges, and ministerial staff of the court, advocates and various other governmental agencies.

The digital signature is provided for each of the presiding officers and to high court judges and their personal assistants. The judgments are now authenticated with digital signature. In the state of Karnataka, at the level of High Court, the practice of scanning the judgments and archiving is now done away with. On the other hand the digitized copies are now stored with authentication.

The similar practice is to be extended even at the level of the subordinate courts. Likewise an important step which requires to be taken is that of insisting advocates and litigant public to file their pleadings and documents in the form of soft copy, preferably by using PDF technology. This ought to be insisted as additional information without dispensing with the existing hard copy system. Indeed the computers and the technological development have percolated in India even at rural level. When once such a step is taken it would facilitate to have effective paperless courts on a later date.

The cause list system is now gradually dispensed with at the level of high courts. Karnataka high court has saved nearly utilization of one lakhs sheets of paper every month.

### **KIOSKS AND PEOPLE FRIENDLY ENVIRONMENT**

Access to justice and transparency in judicial process are very important. An informed citizenry is always a good asset. To achieve this motto the kiosks and information centres are established. Through these centres one can have the needed information about the stage of the proceedings. Some of the high court's and district courts are web hosting the judgments of even subordinate courts. Short Message Service alert, Interactive Voice Response System to know the status of cases are now being introduced. The mobile technology in this context is used to a great extent.

Provisions to provide certified copy of judgments of the High court ought to be made available by utilizing the services of trial courts or even through pay pals or pay gates. The utilization of internet banking, credit and debit cards ought to be encouraged. Wherever it is possible the maximum utilization of e-banking ought to be provided, instead of asking the litigant public to make any payment either by way of demand draft or banker note.

### **TOOLS TO PREPARE JUDGMENT**

The preparation of judgment is the job of a judge when the parties or their respective advocates complete their job. For this work the judge has to rely on several things.

### **LEGAL TOOLS**

Under electronic court project, the access to online journals like that of All India report, Supreme Court Cases are provided. The judgments of the Supreme Court of India are available on line. The judgments from 1950 till the date are now available at the click of mouse. Some of the high courts are web hosting the judgments of high courts, but the access to the judgments ought to be more user friendly than the present system of a tedious nature, which is not in a people friendly nature.

### **LANGUAGE TOOLS**

India is a country of diversity. The regional language plays a prominent role. The preparation of judgments, reference to documents and recording of evidence many a time requires reference to the local or regional languages. To facilitate the courts to have this working system the language tools are used. This has rendered work of judiciary to be more efficient and people friendly. The software as developed by centre for Development of Advanced Computing could be used.

### **VIDEO CONFERENCING AND JUDICIAL ADMINISTRATION**

What one had not conceived in mind earlier is now possible. The brick and mortar, physical presence and discussions across table are gradually giving way to new things in view of technological development. Video conferencing facility and teleshopping are now playing a prominent role the present day world. Judiciary cannot keep itself away from these changing phenomena. Video conferencing is not another innovation; it has been utilized subsequent to the 1970's as a part of better places in Joined Conditions of America. Videoconferencing works like a phone call, aside from with the expansion of a video picture spilled between gatherings. In a court setting, videoconferencing might be asked for by any gathering for a situation. In its least difficult structure, the remote party and the gathering in the courthouse sit before TV screens finished with a camera and receiver. The video and sound is then show over phone lines or a broadband association. Every viewer will see the inverse party on their particular screen. As the capacity to pack and transmit video and sound information expands, the velocity and nature of videoconferencing additionally increments. Early models had sound/video syncing issues and low-determination pictures. Videoconferencing is the rush without bounds. Powerful utilization of this innovation is being used to some degree. Regardless the connection amongst prison and courts were built up at chose urban communities and court complex. This facility is to be extended even in respect of civil cases.

From 2003 till 2005 that is within a span of two years the High Court of Karnataka was able to save amount to a tune of Rupees ninety three lakhs eighty three thousand five hundred and forty one. Since then, it is under various stages of completion and functioning at the rest of the jails in the State. Video conferencing project titled e-mulakat started at Birsa Munda central jail, Hotwar, in April 2012. In case if virtual court rooms as established in Singapore is established in India then videoconferencing will have a major role to play. Video conferencing system is now put in to active use in bringing about an 'integrated criminal justice system'.

### **E-COURT AND PAPERLESS ADMINISTRATION**

National informatics centre has projected a Project Charter for e-courts. The e Court concept is further developed to bring about a paperless court and in this context, first paperless court of India is established at New Delhi. This has brought about a tremendous savings not only for the State exchequer with reference to under trials but also to litigating public who otherwise could not afford loss of time, work and money. What was once considered as a distant dream in India, that is the establishment of e-courts, indeed has now become a reality to some extent. No more it is a mere dream but a sign of progress and prosperity. The first e-court is established at National Capital Territory of Delhi. In days to come the same would have to be established at other places of country.

### **FUTURE PERCEPTIONS AND MEASURES TO BE TAKEN**

The concept of electronic courts or e-courts could be thought of in two environments such as the court with brick and mortar concept, which is the courts in reality, and virtual courts.

The first e court established at New Delhi as a paperless court is not a virtual court but a real court; where in the use of paper is dispensed with.

Virtual courts will have no court hall, no timing of a specific nature, but will have an environment of lawyers, judges, parties and witnesses having meeting and exchange of documents by utilizing the facility of video conference, exchange of documents through Electronic Documents interchange, use of digital signatures. The technological improvements like Skype, face time, while could be used to have one to one look among different stakeholders simultaneously and also otherwise, to have discussions dialogues, the exchange of documents could be done by discoveries, interrogatories, and admissions which are available in the existing laws.

Virtual courts while has got a great effect in a positive manner in cutting the expenditure, as investment on building, storage, management of time in a modern racing society, it functions on 24x7x365/366 days rather than having access at a limited time slot but has got certain

disadvantages in developing and underdeveloped countries. The people may not accept wholeheartedly in a conservative society. The level of literacy is yet another important factor to be taken note of.

The virtual courts as developed in United Kingdom, are almost a hybrid type of total paperless courts and conceptualized virtual courts. Though the police and the governmental authorities appreciate this new phenomenon there appears to be a strong opposition from a section of members of bar appearing in criminal courts.

The virtual courts could be tried in cases of commercial transactions and in high level arbitrary proceedings where much of the transaction is documented.

### **BAR AND ITS ROLE ON JUDICIAL SYSTEM**

The judicial system of a country would be incomplete if there is no participation of Bar. Bench and Bar like two wheels of a chariot. The Bar has a role not only to provide personnel for future judiciary but also have to defend the interests of their clients. When computerization was started the Bar members were much reluctant to use the technology but now the things are changing gradually and are now coming out with an openness that ICT is to be considered as a part of life. In deed justice Ram Mohan Reddy of Karnataka High court had lamented that to the effect that how can we think of e-courts if advocates are not ready to adopt, cause-list provided in electronic form and object to the stopping of supply of cause list in printed form.

Some of the advocate have replaced the practice of using manual typewriter and on the other hand are using the computers to perform the work as was done by the said typewriters The office of each of the advocate ought to be computerized and the advocate to become computer friendly to make use of the systems. Now they are able to use the technology to have cause list and to know the display board position.

### **CONCLUSION AND SUMMARY - THE WAY FORWARD**

The development of technology specifically influences the way the criminal justice framework operates at basic levels. A wide range of technologies are employed in support of the justice system, including communication, database management software, computers, and automobiles and so on. The adoption and implementation of technology also directly shapes the policies and practices of the justice system. For example, the development of modern communications and transportation technologies in the early 1900s increased the response capability of police and changed citizen calls for service. Computers and cellular technologies have increased the capacity of data processing, information sharing, and communications within and across agencies. The increasing societal dependence on the

Internet and computer-mediated communications has led law enforcement to develop tools to investigate offenses online. E-Litigation is a comprehensive Court Cases Monitoring System. It not only strengthens the department by the way of monitoring the court cases but also smoothens the process of engagement of counsels for the court cases. Thus, technology plays a pivotal role in the justice system, though a majority of researchers focus on the implementation and effect of technologies in law enforcement agencies.

The right of equality<sup>6</sup> and a moratorium that the life and liberty cannot be deprived otherwise than the just, fair and reasonable procedure established by law<sup>7</sup>. For this purpose the days are not far off that we may have to translate all our legal texts from what so ever language it is in to the digital language as understood by the computers and systems akin thereto. The law as a constant need to be understood as in digital form to find out where there is deviation and so also to find out the degree of deviation. When the deviation is too much then the person could be considered as a deviant and appropriate rehabilitative steps or even if need be penal actions in accordance with constitutional goals could be taken to make the Rule of Law a reality than to allow the things to be governed by Rule by law.

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<sup>6</sup> Art. 14, the Constitution of India.

<sup>7</sup> Art. 21, the Constitution of India.