

USE OF TECHNOLOGY TO ENFORCE JUSTICE*

I am very happy to be associated with the commencement of 'ICT

User Expertise Course for Judicial Officers' in the premises of Delhi Judicial Academy. Speaking on 18th September, 2004, at the Conference of the Chief Ministers and Chief Justices of the High Courts, I had declared the year 2005 to be the 'Year of Excellence in Indian Judiciary'. I had done so, placing reliance on the confidence which the members of Indian Judiciary, higher or lower, have in me.

To achieve excellence, I made it a three-point programme:—

- (i) making the National Judicial Academy functional in full swing;
- (ii) introduction of IT in Judiciary; and
- (iii) development of ADR systems.

Time and again, beginning from 124th Report of the Law Commission of India, 1998, it has been emphasized that the use of Information and Communication Technology in the Judiciary is imperative for enhancing the quality of justice, reducing congestion in courts and securing timely disposal of cases. This has also been established through clinical researches conducted in the Indian context.

Certain piecemeal efforts have been going on in the High Courts. It has always been in my mind that we must have an All India Vision Plan which may be implemented in phases. I had requested the Government of India to sanction the formation of such a Committee in the Supreme Court to assist the Chief Justice of India in this direction. The sanction was given in the end of December, 2004 and the Committee became functional in the month of February, 2005. Within a period of little over two months, the Committee, headed by Dr. Justice G.C. Bharuka, brought out a wonderful report titled as 'Strategic Plan for Implementation of Information and Communication Technology in the Indian Judiciary'. The Report was released on 11th May, 2005. A copy of the Report has been sent to every High Court. I appeal to all those who are interested, to read the Report. They will find it very exciting and refreshing. The Report contemplates implementation of the plan in three phases and a total expenditure of Rs. 667 crores only.

While participating in the Sixth Worldwide Common Law Judiciary Conference in Washington DC, on 1st June, 2005, the delegates were in Court No. 16, of United States District Court House, for about three hours. The theme of the Conference was 'Challenges for the Judiciary in 21st Century'. The Session was devoted to 'Challenges in the Use of Technology – Towards a Paperless Court'. The Session was presided over by Hon'ble James Robertson, Judge, US District Court for the District of Columbia. The administrative officer of that court, who is assisting the Judge in the introduction of ICT in District Judiciary, was present. The project has commenced in the year 2002 and has not yet completed. They have employed engineers and other technical personnel in the court itself who are busy developing the necessary software.

For successful implementation of ICT project in the judicial sector, with the avowed object of providing speedy and quality justice, the judicial officers, who are the principal actors, need to be properly equipped with the requisite ICT facility and user expertise. The ICT enablement in the Judiciary should start with technology empowerment of the judicial officers. They should be appropriately trained with computers and connectivity facilities to act as leaders in court processes both on judicial as well as administrative side. In order to achieve this end, there are a few steps, proposed to be taken which I may share with you, this evening.

First, it is proposed that all the judicial officers in the country who preside as Judges in court halls should be provided with laptops with latest technology to enable them to comfortably work at their home, offices, chambers and the court hall. But this benefit should be extended to only such judicial officers, who are ready to be properly trained and have an aptitude to use the technology for proper discharge of their judicial and administrative functions. This can be done in a phased manner, across the country, within a period of one year.

So far as the cost involved in providing the laptops to the judicial officers is concerned, it will be more economical than providing desktop PCs at the three places, required to be used by the judicial officers. The three PCs meant to be provided to the Judges will cost somewhere between Rs. 40,000 and Rs. 45,000 whereas – I am told – the laptops, if purchased in bulk, with even Pentium M technology with facility of wireless connectivity, may cost much less. It may be mentioned here that laptop facilities have now been provided to all the MPs, MLAs, Judges of the Supreme Court and High Courts.

Secondly, for proper use of ICT, the judicial officers have to be provided with broad band connectivity to access and disseminate information through internet and intranet, with appropriate security. Providing of such connectivity has now become very economical and may cost hardly Rs. 100 to Rs. 150 per month, for each of the judicial officers.

Thirdly, the E-Committee has proposed that simultaneously with the above facilities, all the Judges and the judicial officers will be provided with the facilities for using digital signatures, for authentication of digitally transcribed judgments, orders and order sheets. They will also be provided with e-mail address with an extension “@indianjudiciary.in” for official communications through the Indian Judiciary Intranet Service.

It is expected that providing of ICT facilities and user expertise training to the judicial officers will make them more self reliant and smart performers, enabling them to be excellent Judges.

We are often faced with criticism, mounted against the Indian Judiciary on account of backlog of cases and delay in disposal. Those who criticise the Judiciary for this, deserve to be pardoned for their ignorance as they know neither the causes nor the system. However, against criticism, we can neither protest nor defend ourselves. We have to observe silence and continue to act. The performance of judicial functions is creatively divine. It is not accomplished sheerly by intellect but by the inner instinct of the Judges – an outcome of inner necessity. It is said – “the man who follows the crowd will usually get no further than the crowd. The man who walks alone is likely to find himself in places no one has ever been.” It was this instinct which has started now taking shape in the field of IT in Judiciary.

* Inaugural Speech delivered at “ICT User Expertise Course for Judicial Officers” organised by E-Committee, Supreme Court of India in association with Delhi Judicial Academy on 11th July, 2005, at Judicial Academy, Karkardooma Courts Complex.