

IMPLEMENTATION OF INFORMATION & COMMUNICATION TECHNOLOGY IN INDIAN JUDICIARY*

Indian Judicial System is facing an appalling state of affair. It is

apprehended that court congestion and delays in adjudication may acquire a perennial nature. Its functional credibility, both in domestic and international spheres, is at stake. There is an urgency to take immediate steps to enhance its quality, productivity, accountability and transparency.

The Law Commission of India has, in its successive Reports, stated that the reason for delay in Courts is not so much because of infirmity in our procedural laws, as has, essentially, resulted from non-observance of these procedures. Successive Chief Justices, knowledgeable persons and research scholars, with whom I have interacted, have pointed out that even after independence, there has been no serious thinking in the direction of reforms in Justice Delivery System and uptoning the same, by modernisation and blending of Information and Communication Technology therewith. What is to be aimed at, is good governance and proper administrative control by the High Court.

The 124th Report of the Law Commission of India (1988), as also the expert studies, recently made for improving the performance of the Indian Judicial System, like the Indo-US Group Study (1996), Report of the India Institute of Management, Bangalore prepared, pursuant to a reference made by the First National Judicial Pay Commission, Malimath Committee on Criminal Justice Reforms (2003) and the Final Report of the Asian Development Bank on India Administration of Justice Project (2004) conclusively reflect that use of information and communication technology in the judiciary has become imperative for enhancing the quality of justice, reducing congestion in courts and timely disposal of cases. This has also been established through clinical researches conducted in the Indian context.

In the Chief Justice's Conference – 2005 held in 04-05 September, 2005, my proposal for establishing an Information Technology and Judicial Reform Cell in the Supreme Court of India, was duly endorsed. In close proximity, the Conference of the Chief Ministers of the States and Chief Justices of the High Courts, held on 18 September, 2004, *inter alia* resolved, *inter alia* as under:

- “1. The available talent and expertise in information technology can be harnessed for modernising the justice delivery system. The Central Government, therefore, will take the leadership role to ensure:
 - (a) full computerisation of courts up to the district level, in a phased manner;
 - (b) use of latest available technologies, including video conferencing and digital signatures;

- (c) creation of database of pending cases for generating live statistics;
 - (d) prepare a viable strategic IT Action Plan for clearance of arrears; and
 - (e) secure a litigant, friendly availability of information through internet, websites of all High Courts and Facilitation Centers, in or around court buildings.
2. To actively foster professional management of the justice delivery system in court administration and in respect of interface with litigants and lawyers. Recognising the need for professionalism, it is further resolved that court management, database management and knowledge management must be encouraged.
 3. Confidence building measures among all stakeholders, in the justice delivery system, is the need of the hour and to promote these measures, the Court system should publish Annual Reports of achievements and use of resources."

In furtherance of the above resolutions, I initiated the process for constitution of the E-committee by putting a proposal to the Government of India, Ministry of Law & Justice (Department of Justice). Consequently, the Government issued Office Order, dated 28th December, 2004, accepting my proposal to constitute an E-committee to assist me in formulating a National Policy on computerisation of Indian Judiciary and advise on the technological, communication and management related changes. The Committee has been constituted, initially, for a period of one year.

The Committee was to be comprised of:

1. Chairman of the level of a retired Chief Justice or a retired Judge of High Court to be appointed by the Central Government as per the nomination received from the Chief Justice of India.
2. Member (Judicial) [of the rank of District & Sessions Judge to be appointed on deputation basis.
3. Member (Technical) [of the rank of Deputy Director General Technical] [Joint Secretary to G.O.I.] to be appointed on deputation basis.
4. Member (Management/Human Resources) [of the rank of Joint Secretary to G.O.I.] to be appointed on deputation basis.

Dr. Justice G.C. Bharuka, former Judge, High Court of Karnataka, was appointed as the Chairman of the Committee, by the said Office Order. Mr. N.S. Kulkarni, District Judge, Karnataka Judicial Service was appointed as the Member (Judicial) on deputation basis. He assumed the office on 21.02.2005. Mr. Manas Pattanaik, Director, STPI was appointed as the Member (Technical) on deputation basis. He assumed the office on 25.02.2005. So far as the Member (Management/Human Resources) is concerned, though the Supreme Court sent a proposal to the Government of India, the Government found it difficult to lend the services of the desired official. Thus, this post is still lying vacant.

The Committee is functioning from within the premises of the Supreme Court, although there are constraints on the space available. Very recently, some space has been allotted in Shastri Bhavan which will be utilized by the Committee for spreading its wings.

The members of this Committee have been working during and much beyond the office hours. I call upon them to give the presentation of whatever they have accomplished, to a small representative group of judicial and legal fraternity, before the Supreme Court closes

for summer vacation. The purpose is to share the information, satisfy your queries and ask for your valuable comments and suggestions in the interest of improving upon the report. I am happy to mention that in this project, NIC is our partner. The NIC, the Ministry of Information & Communication Technology and the Law Ministry have already been helpful and cooperative. But for their cooperation and support, the Report would not have been ready and that too within such a short time. Before I call upon Dr. G.C. Bharuka, the Chairperson of the Committee, to introduce the Report and make his presentation, I compliment him and the members of this Committee, Mr. Pattanaik, Mr. Kulkarni and also the NIC for the wonderful work which they have done and which we all are going to witness, shortly.

* Speech delivered on the occasion of Presentation of Report on Strategic Plan for Implementation of Information & Communication Technology in Indian Judiciary by Hon'ble Dr. Justice G.C. Bharuka Chairman, E-committee on 11th May, 2005, at the Supreme Court Judges' Lounge.