

# INFORMATION COMMUNICATION TECHNOLOGY ENABLEMENT OF INDIAN JUDICIARY\*

Great thinker Victor Hugo has said – “An invasion of armies can be resisted, but not an idea whose time has come.” Across the world, there is an increased emphasis on judicial and legal reforms in order to achieve sustainable development. The development process must be comprehensive, and the legal and judicial reforms are vital components of that process.

A document, celebrated world over, is the Final Report on Reforms in Civil Justice System in England and Wales, titled “Access to Justice” submitted by Lord Woolf, presently Lord Chancellor of England and Wales. It is said therein that the research made in several countries has strengthened the conviction that sensible investment in appropriate technology is fundamental to the future of justice system. ‘Information Technology will not only assist in streamlining and improving our existing systems and processes; it is also likely, in due course, itself to be a catalyst for radical change as well.’ This truth has also been established through clinical researches conducted in India as well.

In India, the National Informatic Centre has been entrusted with the task, amongst others, of introducing Information Communication Technology in the Judiciary. It has been discharging, to the best of its ability and capacity, its assigned duties for more than a decade. Looking at the immense workload on courts in India and the wide expanse of our country, the need for an agency, to engage, exclusively, in the ICT enablement of the Judiciary, is imperative. We need innovation, resources and, above all, the full understanding of potential of technology in the context of the Judiciary. It has to be visualized, as a concept, and accepted, as a conviction, that scientific approach and technology can contribute significantly to the process of improvement of the entire justice delivery system and better court services.

Lord Woolf’s Report, made several recommendations, out of which I shall very briefly refer to the most important ones.

*First*, a new independent and representative IT strategy body should be set up which, in due course, should become attached, as a sub-committee, to the top judicial authority. This body should have four main responsibilities—(i) it should be responsible for promoting the development of long term IT strategy to be implemented by the Court Service for the entire civil justice system; (ii) it should be a review body through which the medium term IT plans of the Court Service should be passed; (iii) the body should monitor and report on the progress of the PFI exercise; and (iv) it should co-ordinate initiatives in other parts of the judicial system.

*Second*, there should be close liaison between the new body and those responsible for IT across the entire justice system, so that there is a coherent approach to IT, across the entire justice system.

*Third*, a project should be launched to address the ways in which existing court administration systems can, and should, be extended for use by judges (and by others, including lawyers and their clients), especially the caseload management facilities which

deal with the allocation of resources, the scheduling of judges' workloads, the listing of case and the electronic diarising of cases.

*Fourth*, a 'Courtroom of the Future' exhibition should be created, similar to those in the USA and Australia, to capture a vision of, and to stimulate interest in, the future.

I refrain myself from referring to the other recommendations for paucity of time.

This Report inspired me to moot a proposal to the Central Government, through the Hon'ble Union Law Minister, Dr. H.R. Bhardwaj, for establishing a Cell in the Supreme Court, consisting of experts, having knowledge of the judicial system, ICT and management, who will prepare the blueprint for comprehensive use of ICT in the Indian Judiciary with web-based interconnectivity of all the courts and will oversee the implementation of the plans, once finalized.

A *Sukti* (saying) in *Bodhidharma* says – "All know the way, but few actually work it." The establishment of the E-Committee was notified by the Government of India on 28th December, 2004. It is headed by Dr. Justice G.K. Bharuka, former Judge of the High Court of Karnataka, and three more Members, namely, Shri Ramesh Abhishek, Member-Management/Human Resources, Shri Manas Patnaik, Member-Technical, and Shri N.S. Kulkarni, Member-Judicial. The Committee's Terms of Reference are comprehensive. These include, obtaining the existing status of computerization in all the courts in India for making a diagnostic study of existing ICT applications; formulating a National Policy on computerization of the justice delivery system; designing an ICT network; creating an ICT grid, linking the apex Court to all courts in the country; drawing up an action plan, with appropriate phasing, for time-bound implementation, stipulating physical and financial targets; and concurrently monitoring and evaluating the action plan on a periodic basis.

I compliment the E-Committee for having done a remarkable work in a very short period of time, by submitting its initial Report in May 2005 and preparing the targeted National Policy and Action Plan in August 2005. It has provided a comprehensive Action Plan for diverse initiatives like provision of computers with broadband internet access in all 2,500 court complexes across the country; laptops for approximately 15,000 District and Subordinate Court Judges; extensive ICT training to the Judges and Court staff; extension of computer facilities from filing counters to the Judges' chambers and residential offices; gradual extension of these facilities to all the branches and sections of the Court Registry; facilities for video conferencing between under-trials and the Courts; digital archiving, use of advanced ICT tools including biometric facilities; information gateway interface between the Court and governmental agencies. Under the Action Plan, the project is proposed to be implemented within a period of five years, in three phases – first two phases being of two years each and the third phase of one year. Each phase projects a visible change in judicial functioning. It is significant to note that the total estimated cost over the entire period of five years is only Rs. 854 crores, not too huge a sum, when seen in the context of the larger objective and the expected benefits.

The implementation of ICT in the judicial sector will embark upon a challenging journey of change. E-governance has the potential to impact all areas – systems, processes and most importantly, the institutional human resources.

It is also well recognized that case management and case flow management form a vital component for improvement at subordinate levels. Keeping this in view, the Supreme Court

in the case of *Salem Advocates Bar Association v. Union of India*<sup>1</sup> had *inter alia* constituted a Committee, headed by a former Judge of the Supreme Court and Chairman, Law Commission of India, Shri Justice M. Jagannadha Rao, to devise model case flow management formula as well as rules and regulations for the same. The Committee, in its Report, framed and suggested adoption of the Model Case Flow Management Rules. A three-Judge Bench of the Supreme Court presided over by my esteemed brother, Justice Y.K. Sabharwal, after considering the Model Rules, under their order dated 02.08.2005, required the respective High Courts to examine the same and after due deliberations, take steps for its adoption, with or without modification, to provide fair, speedy and inexpensive justice.

On September 18, 2004, at the Conference of the Chief Justices and Chief Ministers aimed at 'Envisioning Justice in 21st Century', the Hon'ble Prime Minister, Dr. Manmohan Singhji, in his inaugural address, also expressed the opinion that, "In the administration of justice, information technology has not yet been used as an effective tool. Advancement in modern science and technology can make judicial process more efficient." He had suggested that the Supreme Court and the Union Ministry of Science and Technology work together and suggest ways and means of using this modern technology to help the judicial system reform its processes. Such changes may be made in a truly mission oriented mode. He assured that the Government will provide all the necessary resources for supporting the endeavours for modernizing the courts.

After listening to the Hon'ble Prime Minister, Dr. Manmohan Singhji, I was inspired to declare the year 2005 as the "Year of Excellence in Judiciary". Speaking on the 'Law Day' (November 26, 2004), I had declared three projects to be on my priority list during my tenure as Chief Justice of India: first, making the National Judicial Academy functional, in full swing; secondly, introduction of IT in Judiciary; and thirdly, development of Alternate Dispute Resolution systems. I am happy to report that National Judicial Academy, situated on a hillock in a beautiful campus in the capital city of Bhopal, has become fully functional. The Academy, of which the Chief Justice of India is an *ex-officio* Chairman and which is, presently, headed by a reputed academician of excellence Dr. Madhava Menon, has imparted training to over 700 Judges, in 17 different courses, during the last year and its calendar of activities for the current year is extended to over 1000 more judges. It is proposed to carry out as many as 24 courses cutting across economy, technology, governance, social justice, access to justice issues as well as problems which beset judicial administration. In the first week of July, this year, the Academy organized a summer Retreat Camp for Supreme Court Judges. The programme has earned international applause for its intensity, quality and excellence. National Judicial Academy is also a centre for research and development of judicial policies and programmes. It is now involved in a major project on "Access to Justice for the Poor" in association with seven High Courts. The publications of the Academy, which includes a research journal and an Occasional Paper series, are devoted to dissemination of knowledge in legal and judicial circles with a view to initiate and sustain judicial reform. In short, slowly but steadily, judicial reform is progressing through judicial education and training, at the National Judicial Academy.

I must also point out the growing demand for training at the Academy from the judiciary of Asian and African countries. In August this year, NJA offered a week long course on judicial administration to the Supreme Court Judges of Ghana. Neighbouring

countries are also seeking the training facilities of NJA and we hope to respond positively, subject to the constraints of faculty and resources.

The Action Plan for implementation of ICT, in the Indian Judiciary, is being launched today as a National Policy at the hands of Hon'ble Prime Minister. Once this Plan is fully implemented, we can envision paperless court rooms, functioning with the help of electronic devices and computers with super fast speed.

In the field of ADRs, my emphasis has been on mediation and conciliation. Effective implementation of Alternate Dispute Resolution systems, in the justice administration system of India, is a must. Although Lok Adalats, Legal Literacy Camps and Arbitrations are proving to be effective in reducing the backlog of cases, my emphasis is on mediation and conciliation as they are the most effective means and modes of ADRs. These have been successfully tried and are in vogue in advanced countries of the world. The success rate is as high as 50 to 80%. In India, the International Council for Alternate Dispute Resolution Systems, Delhi Centre, the extension whereof, I had the pleasure of inaugurating on 29.8.2005 and another Centre at Hyderabad, which I had the privilege of visiting and addressing on 16-07-2005, are functioning well. Shri H.R. Bhardwaj is the moving spirit behind these centres. However, there is a need for adopting a national integrated plan in this regard as well. A Committee appointed by me which is already functional in the Supreme Court of India wherein my brother Justices S.B. Sinha and Madan Lokur are making substantial contributions, is almost ready with such a plan. On 20th November, 2004, the Bombay High Court and ICADR organized a Two-day International Conference on 'Envisioning ADR in 21st Century', which I had the honour of inaugurating. A Report thereon has been published by the Bombay High Court. It has set the tone for evolution of internationally accepted methodologies in the justice administration system of our country.

There is also a need for appointing a High Power Commission to look into the issues related to administrative reforms in the justice administration system of the country. We are working with antiquated laws and systems handed down to us by the Britishers. There is an urgent need to take a fresh look at the existing laws and systems, comprehensively in a wider perspective, as no concrete dynamic steps have been visualized, much less taken, in this regard, since independence.

The Law Commission of India, headed by Justice M. Jagannadha Rao, has submitted, for the consideration of the Government of India, nearly 18 Reports, each learned and researched indepth and extensively.

I avail this opportunity for beseeching the attention of the Hon'ble Prime Minister of India to the need for (i) launching a National Integrated Plan for introduction of ADR systems in the justice administration system of India, (ii) appointing a High Power Commission for examining the justice delivery system of the country and making recommendations for administrative reforms therein, and (iii) implementing the Reports made by the Law Commission of India.

I do not propose to discuss several other small projects which have commenced, during this year, and are speedily proceeding towards fulfillment. For accomplishment of these projects, I, as duty bound, acknowledge the contribution made by the Ministry of Law & Justice, the Ministry of ICT and their respective Hon'ble Ministers, the Planning Commission and, in particular, Mr. Montek Singh who has taken a keen interest in the projects relating to

the judiciary. If the National Policy and Action Plan of ICT in Judiciary and other projects which I have referred to hereinabove are fully accomplished, the Judiciary in India and the Judicial System would stand revolutionized.

The other day a friend of mine asked me – “As the Year 2005 is nearing its end, would it also be the end of the Year of Excellence?” I smiled and told him – “Dear friend, the journey for excellence only begins; it never ends.” The future of the judiciary is bound to shape not only with excellence but par excellence under the leadership of my illustrious successor and with the Hon’ble Prime Minister leading the nation, both of whom are bestowed with vision, plan and action.

I would end by quoting Swami Vivekanand, who said – “Let us rise and act and keep on marching ahead until the goal has been reached. Future is bright and not bleak for us”. Martin Luther King (Junior), very aptly, said – “I long to accomplish great and noble tasks.....but it is my chief duty to accomplish small tasks as if they were great and noble”.

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\* Key Note Address delivered at launch of Project for Information Communication Technology Enablement of Indian Judiciary on 5th October, 2005 at New Delhi.

1. (2003) 1 SCC 49.