JUDICIAL DIALOGUE WEBINAR ON DIGITAL REFORM ROLL OUT, JUDICIAL TRAINING AND FUTURE POTENTIAL COLLABORATION (SE-25)

23rd January 2023

Report

National Judicial Academy of India in collaboration with Judicial College of England and Wales hosted a Judicial Dialogue Webinar on Digital Reform Roll Out, Judicial Training, and Future Potential Collaboration on Monday, 23rd January 2023 at 13.00 -14.30 UK time / 6.30 PM - 8.00 PM Indian Standard Time. The webinar provided a forum to share experiences and perspectives of roll out of digital reform programs, access to justice, and judicial training online in India and UK. It was an important opportunity to consider future subjects of common interest for further engagement.

Welcome Remarks

- ❖ **Hon'ble Mr. Justice A.P. Sahi, Director, National Judicial Academy, Bhopal**
- ❖ **Mrs. Justice Cheema Grubb, Chair of International Training Committee of Judicial College**

The webinar commenced with opening remarks by Hon'ble Justice A.P. Sahi, Director, National Judicial Academy, Bhopal. He stated that the pandemic taught everyone to strive to ensure effective access to justice for the common man. The technological advancements in India, such as live streaming, digital courts, digitization, paperless courts, etc. were highlighted. The shift towards digital services and the issue of reluctance/hesitance of stakeholders towards the shift from the traditional judicial system to the technology-based judicial system. Emphasis was placed on the adoption of audio-visual based systems to ensure accessibility. The necessity of effective security measures to protect the e-judicial systems and digital services was underscored. It was stated that the digital server should be made highest security measures so that there can be ease of accessibility. It was advised that a webpage with highly configured architecture with strong features of privacy and security should be developed. The impediments in digital reform roll out including the absence of appropriate legislation, and appropriate addressal mechanisms for the common threats between different jurisdictions have to be resolved. It was further informed that the Phase III Vision Document drafted by the E-committee of the Supreme Court of India headed

by Hon'ble Justice D.Y Chandrachud, The Chief Justice of India is in its final stage, and the focus in this Vision Document is on the creation of digital infrastructure and enabling access to critical services like e-filing, open digital hearing, virtual courts etc.

Hon'ble Mrs. Justice Cheema Grubb, Chair of the International Training Committee of Judicial College addressed the gathering by focusing on two major issues in the provision of justice. Firstly, focus was placed on the real-time evolution of digital reforms. The need for technical experts in the digital reform roll out process was underscored as a necessary requirement to ensure smooth functioning, prompt addressal of issues and filling of gap. The necessity of constant engagement with the end users of the judicial system was underscored as a measure to ensure effective rollout, addressal of concerns and needs, and identifying solutions to the problems. Further, the need for periodic revision of the system was emphasized. Justice Grubb raised concerns about the training (technical & behavioral) of judges to enable adaptation to the e-justice systems

Topic 1: Roll out of Digital Reform, Judges working with HMCTS or equivalent

- ❖ **England and Wales speaker - Mr. Justice Cobb, Lead Judge for HMCTS reform**
- ❖ **India Speaker - Hon'ble Mr. Justice A. Muhamed Mustaque, Judge, Kerala High Court**

Mr. Justice Cobb, Lead Judge for HMCTS Reform, mentioned that the reform programme in England & Wales was launched in 2016 and should have been concluded by now but the pandemic hit everyone differently and it is now expected to conclude by March 2023. It was informed that he was appointed as Lead Reform Judge and is expected to oversee and support the judiciary with the lead reform programme. Justice Cobb encapsulated the entire digital reform roll out programme into five heads *viz.* Context, Discovery, Collaboration, Honestly and Communication. It was explained that people dislike change, and change is often is accompanied by anxiety, depression, denial, and anger. It is obvious that the plain human reaction to change is often resistance. The highest pressure on the judiciary is the backlog of cases and pandemic added more frustration to it. It was noted that a wide range of judges and court staff should be trained in digital working. It is essential to give proper training and to take constant feedback about a digital product in order to improve. Under the head of discovery, it was mentioned technology and technicians

are essential to find out what the judges and staff need. For collaboration, it was highlighted that in the United Kingdom the technicians are third party service providers. The importance of constant communication and honesty with technicians, judges and court staff was underscored.

Mr. Justice A. Muhamed Mustaque, Judge, Kerala High Court, commenced by mentioning that digital reforms in India started in 2006. It was a great challenge to introduce digital reforms to India because of the diversity of languages and the large population. After the successful completion of the first two phases of the e-Courts Project under the aegis of the e-Committee of the Hon'ble Supreme Court, India is now entering into its third phase which is more citizen-centric. It was mentioned that this phase is a transition to a transformation phase where the institutionalization of reforms is the prime focus, and would help to develop tools for better collaborative systems, communication tools, content management systems etc. Furthermore, COVID-19 acted as a catalyst for digital transformation, made judges accept the change, and accelerated the reforms. The focus is more on developing a model applications for court functioning and case management.

Topic 2: Ensuring access to justice in digital reform

- ❖ **England and Wales speaker – Mr. Justice Jeremy Johnson**
- ❖ **India Speaker - Hon'ble Mr. Justice Sanjeev Sachdeva, Judge, Delhi High Court**

Mr. Justice Jeremy Johnson commenced his talk by stating digital courts would be cost-effective and convenient if an online help desk is available for end users, and that rules should be simple to ensure that justice is available to all. Online translation makes it possible and convenient for documents to be available in many languages in a digitalized world. By shifting to a digital filing system, the complex process and court fees associated with physical filings would be substantially reduced. It takes around 10 days for the court to send an order copy, but with this digitalization, it could be received immediately as soon as it is uploaded. The fact that everyone has access to smartphones and uses them conveniently adds to the convenience of making court system completely digital and ensuring access to justice.

Mr. Justice Sanjeev Sachdeva, Judge, Delhi High Court, stated that technology has always been developed for the purpose of making work easy but the reluctance from all the stakeholders to use technology creates a major problem. It was highlighted that in 2008 Delhi became the first

paperless court and by the pandemic came it was around 13 benches which were added to the list of paperless courts. Presently in total 36 Benches are paperless which includes the Divison Benchs also. It was underscored that technology is something that will adapt itself as per a person's requirement and no new software is introduced with additional investments. Furthermore, the pandemic helps accelerates digitalization. The benefits of the same were discussed like the arguments were recorded and later they can be used for writing judgments. It is cost-effective as the eCourts fees are reduced. The files are maintained in a portfolio that replicates the physical files customized as per the judge's requirement. The session ended with discussions on the art of persuasion to convince judges to be more tech-savvy.

Topic 3: Judicial Training Online vs Face to Face – How to Make the Call?

- ❖ **England and Wales speaker – Employment Judge Rostant, Director of Training, Judicial College**
- ❖ **India Speaker – Hon'ble Mr. Justice Raja Vijayaraghavan V., Judge, Kerala High Court**

Employment Judge Rostant, Director of Training, Judicial College commenced by mentioning that in England & Wales, a large percentage of training was face-to-face before the pandemic, and there was some enthusiasm for digital training. However, the lockdown made us learn the hard way that there could not be any training that is not possible online. There is a spectrum of subjects to choose from where online training is better or otherwise. A well-designed online training module would be just as effective as offline training. Specific training on judicial skills where the idea is to go for experiential learning using tools like role-play, simulation exercises face-to-face training are better suited for training. Digital training has its own benefits but it can never be a replacement for face-to-face training. The key learning of enforced digitalization was that it's not tough or difficult to transition digital system as initially perceived.

Mr. Justice Raja Vijayaraghavan V., Judge, Kerala High Court shared that since 2014 National Judicial Academy, Bhopal has trained 16000 judges. The pandemic accelerated online training but there are certain subjects that require face-to-face training. Distance, logistics, and a large number of participants are some of the benefits of online training, but face-to-face training also offers the

opportunity for cultural exchange, a deeper understanding of another high court's problems, and a chance to meet intellectuals in person. It was suggested a more learner-centric program should be designed to divide the subjects on the basis where online training is feasible and where face-to-face training is needed.

Topic 4: Future potential for collaboration between NJA India and JC of E& W institutions

- ❖ **England and Wales speaker - HHJ Martin Picton, International Training Coordinator, Judicial College**
- ❖ **India Speaker – Hon'ble Mr. Justice A.P. Sahi, Director, National Judicial Academy, Bhopal.**

HHJ Martin Picton, International Training Coordinator, Judicial College, dwelt on the future potential collaboration. It was stated that judges from different country and different jurisdictions should meet personally and discuss issues of common significance and interest. A better understanding is possible when judges examine laws and procedures by learning the perspectives of another country. It was suggested that judges from India should visit the United Kingdom and vice versa for a mutual exchange of ideas, perspectives and thoughts and approaches to laws and procedures. Furthermore, it was mentioned that a lot can be achieved through online training but there could not be any substitute for judges meeting judges in person and it also helps to develop judicial collegiality.

Hon'ble Mr. Justice A.P. Sahi, Director, National Judicial Academy, Bhopal, concluded the session by speaking about the future potential collaboration required in areas like the preservation of digital evidence, the competence of digital lab, technical know-how if any in the UK and about the interoperable system that is adopted in India. The common set of legislation and rules for treaties for easing out the process of expeditious process of summons and warrants can be discussed further. Persuading our own peers and different stakeholders to accept the technology is a challenge. Artificial Intelligence has pervaded in such a way that privacy and data security are many issues that need to be catered to . Lastly, it was highlighted that one step forward would take us to discuss more about the technology and its adaption. The vision of this judicial dialogue would be achieved only when we enter into a face-to-face dialogue for the entire gathering.