

NATIONAL WORKSHOP FOR HIGH COURT JUSTICES [P-1269]

(20th & 21st November 2021)

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PROGRAMME REPORT

National Judicial Academy organized a two day online workshop for High Court Justices on 20th & 21st October, 2021 to facilitate the deliberation and sharing of insights and experiences between the participant justices on contemporary themes. The workshop imparted pertinent knowledge of emerging areas of jurisprudence relevant to the exercise of jurisdiction by High Court Justices; and sought to identify and evolve new approaches to justice dispensation to meet the emerging challenges of the present times. The workshop familiarized the participant justices with the evolving jurisprudence pertaining to environment and wildlife protection and explored the nuances of such law, with a view to identifying the role of the judiciary in the protection of the environment and wildlife. The workshop also engaged the participant justices in introspection on the judicial role in ensuring socially responsive judging. Methods adopted for settlement of claims in the present pandemic, their effectiveness, and the challenges encountered in the adoption of these measures were also the subject of discussion. The relevance and robustness of the e-court apparatus in India in the pandemic and the associated issues in the transition to a technology based judicial system were discussed.

Day 1

20th November 2021

Session 1

Theme: Role of Judiciary in Protection of Environment and Wildlife

Panel: *Justice A. K. Goel and Prof. M.K. Ramesh*

The discussions commenced with a reference to the judgment of the Supreme Court of India in *Municipal Corporation of Greater Mumbai v. Ankita Sinha & others* (2021 SCC OnLine SC 897) wherein it has been held that the National Green Tribunal is vested with *suo motu* power in discharge of its functions under the National Green Tribunal Act, 2010. The current crisis of pollution in Delhi and the challenges highlighted in the 2021 United Nations Climate Change Conference were referred to emphasize on the significance of the theme of discussion. Challenges faced by India in transitioning to alternative and sustainable sources of energy due to the lack of technical know-how and latest scientific developments were highlighted.

It was stated that the judiciary has an important role to play in protection of the environment but it is not the judiciary alone that shoulders this responsibility. The protection of environment and wildlife is an issue of governance and the judiciary is not suited to governance. Violation of environmental norms, pollution and climate change seriously affects human life and health; hence, it impacts the Right to Life under Article 21 of the Constitution thereby placing the constitutional responsibility on the judiciary to do protect such fundamental rights. Emphasis was placed on the constitutional mandate with regard to the protection of the environment under Part III and Part IV of the Constitution of India.

The evolution of the approach to environment as a resource was delineated. The principle of sustainable development was discussed and emphasis was placed on co-existence and interdependence of humans, wildlife and the environment. The need to preserve the environment for future generations was stressed upon. The Indian approach to environment and ecology was highlighted. Pollution as a phenomenon *sans* boundaries was discussed and reference was made to the current crisis in Delhi and stubble burning in neighbouring states as a contributing factor was highlighted. Protection of environment and prevention of pollution was emphasized as a global concern and the measures under International Law to protect the environment were discussed. Various forms of pollution including water, air and noise pollution and its impact on the environment and human life were emphasized upon. It was stated that comprehensive measures are required at the governance level to protection the environment and to check pollution. Judicial intervention plays a role in highlighting the environmental issues and to direct the government to take appropriate action. The role of the panchayats and municipalities under Articles 243G and 243W respectively, in protection of the environment were highlighted and the issues in this regard were pointed out. The commonly cited reason of insufficiency of funds for non-implementation of measures for environment protection was discussed and reference was made to the observation of Justice V.R. Krishna

Iyer in *Municipal Council, Ratlam v. Vardhichand* (1980 AIR 1622) that lack of funds cannot be cited as an excuse for the non-fulfillment of responsibilities.

Rylands v Fletcher ([1868] UKHL 1) which recognized the rule of strict liability for harm caused by escapes from land applied to exceptionally hazardous purposes was discussed. Discussion was also undertaken on the judgment of the Supreme Court of India in *Vellore Citizens' Welfare Forum v. Union of India*, ((1996) 5 SCC 647) wherein sustainable development was adopted as a balancing concept, and the Precautionary Principle and Polluter Pays Principle were held to be part of Indian jurisprudence. The recognition of Public Trust Doctrine in *M.C Mehta v. Kamal Nath and Others*. ((1997) 1 SCC 388) was discussed. Public trust doctrine states that certain natural resources must retain their natural characteristics and that no authority or government has the right to permit its change. The public authorities are trustees of the natural resources and are required to maintain such resources on behalf of the public. Inherent in this doctrine is the realization that natural resources are limited and must be replenished and conserved for future generations. Graded Response Action Plan as a strategy for addressing environmental crises was alluded to in the discussion. Concerns were expressed regarding practices including mining which impact the environment. The role played by the judiciary in protection of forests was highlighted. Emphasis was placed on the preservation of biodiversity.

The role played by the judiciary in protection of the environment was lauded as the designer, developer and hand holder of environmental jurisprudence, having given substance and strength to this area of law. The judiciary was stated to have played a significant role in development of environmental law and policy and in enforcement of environmental justice. The chronological development environmental jurisprudence was delineated; from the first global environment summit (Stockholm Conference in 1972 and the enactment of pollution control laws in India in the 1970s and 1980s. The development of this jurisprudence was traced citing the judgments in *M.C. Mehta v. Union of India* (Oleum Gas Leak Case, (1987) 1 SCC 395), *M.C. Mehta v. Union of India*, (Environmental Education case, WP 860/1991 (1991.11.22)) and *Tarun Bharat Sangh, Alwar v. Union Of India* (1993 SCR (3) 21). The 42nd amendment to the Constitution of India, the inclusion of the word 'environment' in the text of the Constitution and the insertion of Articles 48A and 51(g) was discussed as an indicator of the priority given to environment in India. Public Trust doctrine and the recognition of this doctrine in Articles 48A and 51(g) was discussed in the course of the session. The responsibility of the State under public trust doctrine to protect, maintain and improve the environment was emphasized upon. The role and powers of the Pollution Control Boards (PCB) was highlighted and it was stated that these authorities are quasi-judicial authorities which significant powers to take action to tackle pollution. The orders passed by the PCBs have the same merit as a decree of the court of law. These authorities have the power to instruct and take action against every authority in the government and corporate entities for every violation of the law relating to pollution. However, the PCBs are limited in their functions as they rely on administrative agencies to enforce their orders.

On human role in environmental degradation and resultant crisis, the Bhopal Gas Tragedy was cited as an unprecedented event which was a result of human negligence, and its impact on human life, nature and the environment. This event also revealed the inadequacies and laches in the functioning of the authorities in monitoring and addressing environmental concerns. A resultant outcome was the greater judicial involvement in environmental issues. The observation of the Supreme Court in *Tarun Bharat Singh* case regarding the importance and priority of environmental concerns over other interests was alluded to in the discussion.

The concept of environmental justice was discussed and it was stated to be a measure to address inequity arising from disproportionate sharing of benefits and burdens between different categories of societies. It ensures equitable utilization of natural resources for all sections of society and for the present and succeeding generations. It ensures that the essential character and integrity of natural resources must be preserved and protected against depletion.

The rationale for judicial intervention in environmental matters and the development of environmental jurisprudence was identified as –

- Lack of logical and sequential approach in policy and law making to address crucial environmental concerns
- Non-alignment of statutory provisions on environment with the constitutional mandate and vision.
- Mismatch between objectives and the provisions of the environmental statutes, faults in legislative drafting
- Dilution of provisions by frequent amendments
- Ill-equipped administration, lack of co-ordination, administrative inaction and maladministration
- Administrative delays and errors

The challenges involved in balancing larger public interest with environmental concerns were highlighted. It was stated that increasing urbanization also involves deforestation and this balancing of competing interests proves to a major challenge for judges. In this regard, it was stated that in cases where in cases of great national importance where environmental concerns require to be overridden, alternative solutions to address environmental concerns should be explored. Such decisions involve a case-to-case analysis and effort must be made to prevent serious and irreversible damage to the environment and ecology. Sustainable development was emphasized as the fulcrum for harmonizing competing interests. Environment should be considered as national wealth and must be preserved.

With regard to jurisdiction of the High Courts in dealing with environmental cases, it was stated that as constitutional courts the High Courts are vested with jurisdiction including writ jurisdiction and such jurisdiction cannot be taken away by statute to operate as a bar to the jurisdiction of the High Court. The 186th Report of the Law Commission of India on the constitution of environment courts was referred to wherein it was stated that NGT should not normally exercise discretionary jurisdiction. Further, reference was made to the judgment in *Bhopal Gas Peedith Mahila Udyog Sangathan v. Union of India* ((2012) 8 SCC 326) and order

dated 10th March 2014 in *Adarsh Cooperative Housing Society Ltd v. Union of India* (Special Leave to Appeal (Civil) No(s). 27327/2013 With SLP(C) NO. 28512-28513 of 2013) with regard to the jurisdiction of the NGT and the High Courts in environmental cases and the requirement to transfer cases to the NGT.

With regard to jurisdictional challenges, the Biological Diversity Act, 2002 was referenced and it was stated that the Act provides for two channels for appeal – to the High Court (under Section 52) and the NGT (under Section 52A). This results in a potential for misuse and result in a conflicting and simultaneous orders by the NGT and the High Courts. Further, cases involving environmental issues may also involve other legal issues and hence may be amenable to the jurisdiction of the High Courts, thereby resulting in overlap in jurisdiction of the NGT and the High Courts. In such cases, while determining jurisdiction it must be seen whether the matter involves a substantial environmental issue. Matters can also be transferred to the NGT to ease the burden of the High Court.

With regard to the feasibility of imposition of conditions like planting of saplings and reforestation measures in other matters before the court including matters under Section 437 CrPC as a community service measure, it was stated that while judicial review of afforestation programmes is within the jurisdiction of the High Court, the reforestation measure would not be a basic issue relating to bail and the condition imposed would not have any nexus with bail jurisdiction. Further, this provision cannot be the source of jurisdiction to direct an afforestation policy. For afforestation, collaboration can be undertaken by the High Court with the forest department. It was also stated that an imposition of a condition beyond the scope of Section 437 CrPC would operate against the presumption of innocence. In this regard, reference was made to the judgments in *Aparna Bhat v. State of M.P* (2021 SCC Online SC 230) and *Mithun Chatterjee v. State of Odisha* (Special Leave to Appeal (Crl.) No(s).4705/2021 dated 12-11-2021). A view expressed was that such measures can be adopted in civil matters while restoring the application but not as a condition while granting bail.

With regard to the feasibility of undertaking environment awareness programmes by the National Legal Services Authority (NALSA) it was stated that disaster management curriculum has been included in the NALSA schemes and have been carried out. Concerns were expressed regarding the environmental impact of the increased use of hand sanitizers, fogging machines, and masks and other disposables in the pandemic. It was stated that solutions to deal with pandemic related issues are provided in the Biological Diversity Act, 2002 and the Cartagena Protocol on Biosafety, 2000 and the participant justices were advised to refer to the same for solutions.

The issue of regulation of sand mining, governmental inadequacies involved, the resultant illegal sand mining and the allied impact on the cost of materials for construction industry were highlighted; and concern was expressed with regard to methods to balance such competing concerns. In this regard it was stated that it cannot be said that a court order requiring proper and regulated mining is directly responsible for encouraging illegal sand mining. In such case, such mining is theft and FIR can be registered in such cases.

Session 2:

Theme Social Context Judging and Public Interest Litigation

Panel: *Justice Kurian Joseph and Mr. V. Sudhish Pai*

In the second session, the attention of the participant justices was drawn to the motivation of people while litigating and it was stated that litigants approach the court to safeguard their interests and rights. This rationale governs the judicial process where the person who approaches the court is required to have an interest in the matter. This rule has been relaxed in Public Interest Litigations (PIL) where a person not having an interest in the matter or whose rights have not been violated can approach the court.

The court can be approached in cases where the interests of the public at large are involved such as environmental issues. The constitutional courts can also be approached in cases which involve the rights and interests of a section of society which is unable to approach the court on account of some disadvantage. The disadvantaged section may be characterized as 'the least, the last and the lost', and the constitutional courts have played a significant role in addressing issues pertaining to such sections and in recognizing their rights. Class litigation ensures access to justice by relaxing the strict rules of standing to ensure that the concerns of the disadvantaged class are highlighted and addressed.

PIL has also been resorted to highlight issues and matters where the government has failed to take up causes which it necessarily must act upon. The role of PILs in such cases is to draw the attention of the constitutional courts to the fact that the executive and legislature have failed to address a crucial issue. However, it does not operate as a justification for the assumption of legislative and executive powers and authority and the undertaking of governance functions by the judiciary.

The participant justices were advised to exercise caution while dealing with PILs and to avoid overenthusiastic approach in such matters. Emphasis was placed on observing the broad contours of separation of powers and judicial discipline in this regard. It was stated that the executive and legislature represent the will of the people. Further, these organs of state possess the means to ascertain the will of the people. The policy and legislation are subjected to a process of discussion and debate. The judiciary is neither privy to the will of the people nor does it have the means to ascertain the same. It must be kept in mind that the court does not represent the voice of the people. Hence, in matters of policy it must defer to the executive and the legislature. Usurpation of the functions of the executive and the legislature would amount to the assumption of the role of the other organs of the state by the judiciary. It was suggested that if the subject matter of a PIL is within the area of the executive or the legislature, the courts must respect the wisdom of the legislature.

The participant justices were advised to adopt circumspection while entertaining PILs. Further, they were advised to be cautious regarding professional public interest litigants. It was also stated that judges should not entertain PILs just to be newsworthy. The power of the

constitutional courts should not be used to govern the country in the place of the executive and the legislature.

Emphasis was placed on the three 'A's which drove the PIL movement i.e. Awareness of rights, Availability of remedies, and Access to justice. PIL was highlighted as a measure to ensure accessibility of courts and as a means of voicing the grievances of society and of disadvantaged sections of society. The relaxation of the rules of standing were emphasized as a measure to ensure access to justice.

Reference was made to the judgment in *State of Uttaranchal v. Balwant Singh Chauhan and Ors.* ((2010) 3 SCC 402) to explain the three phases of the evolution of PIL.

It was stated that imperfections in governance are part and parcel of democracy, and the executive and legislature are accountable for such inadequacies. Emphasizing on the role of the judiciary in this regard, it was stated that the judiciary must respect the authority and domains of the executive and legislature. Judicial intervention should only be a *pro tem* measure in unavoidable situations. Further, scrutinizing the wisdom of the executive and the legislature are not within the domain of the judiciary. In this regard, the words of Justice V.R. Krishna Iyer in *Murthy Match Works v. CCE*, ((1974) 4 SCC 428) were quoted – “*Unconstitutionality and not unwisdom of a legislation is the narrow area of judicial review*”

It was observed that the proposition that the judiciary has all the wisdom in matters of public policy is dangerous as it is untrue and undemocratic. It was exhorted that the judiciary should not replace executive and legislative wisdom with judicial wisdom. In identifying the contours of PIL jurisdiction, it was stated that efforts should be made to maintain the delicate balance of separation of powers and that desirability cannot be the test of power. Such jurisdiction should be exercised only to redress the violation of fundamental rights and not as a panacea for all ills. Further the remedy sought for under PIL jurisdiction should be within the legal and constitutional framework. Emphasis was placed on the need for self-imposed discipline in the exercise of PIL jurisdiction as temptation is the major reason for judicial overreach.

Regarding attempts by litigants to circumvent the PIL rules of the High Courts, it was stated that dealing with such cases would be as per the wisdom and discernment of the judge to identify such cases. In such cases it is the constitutional conscience which should act as the Laxman Rekha for the judge.

Day 2

21th November 2021

Session 3

Theme: Litigation during Covid-19 Pandemic

Panel: *Justice Abhay Shreeniwas Oka and Justice A. Muhamed Mustaque*

The session rolled out with a brief introduction of the theme and experience sharing on how courts throughout India in order to ensure access to justice, responded to Covid-19 from being primarily operated as in person proceedings to online proceedings and what challenges were faced during this rapid transition. Terming Covid-19 as the most challenging times for the judiciary, a number of steps and measures as taken by the Supreme Court and High Courts to ensure the safety of the lawyers, litigants and staff were highlighted. It was pointed out that lawyers and litigants were finding it difficult to use technology and resisted initially, however, later on realised the importance of technology and quickly adopted with ease.

The contribution of the Supreme Court in protection of fundamental rights and ensuring access to justice was discussed. It was pointed out that the apex court laid down the standard operating procedures and guidelines for lawyers and litigants-in-person for attending urgent hearing of a matter through video conferencing. The recent intervention initiated by the Supreme Court with respect to contagion of Covid 19 virus in prisons and protecting fundamental rights, cognizance for extension of limitation and problems, miseries of migrant labourers, proper treatment of Covid-19 patients & dignified handling of dead bodies in the hospitals, closure of Mid-day meal scheme and distribution of essential supplies and services during pandemic in response to the unprecedented humanitarian crisis in the country due to Covid-19 were also discussed.

The contribution of High Courts in protecting the right to life as guaranteed under article 21 of the constitution and ensuring access to justice during pandemic was discussed. It was pointed out that the High Courts throughout the country had played a significant role in protecting right to life and ensuring access to justice. The significant steps & measures as taken by the High Courts were discussed. Following important orders by the High Courts were provided.

- *Rajadithya Sadasivan v. High Court of Karnataka, 2020 SCC OnLine Kar 3333* –On Standard Operating Procedure (SOP) for operating courts during lockdown.
- *Jacob George v. Secretary Department of Information and Broadcasting and Others 2020 SCC OnLine Kar 541* – On Direction to consider Providing Safety Kits, Masks, Gloves and Personal Protection Equipment and to Pay Compensation of Rs. 50,00,000/- to the Families of Media Persons, Newspaper Delivery Agents in Case of Death Due to Corona Virus and etc.
- *K. Govindaraj Versus State of Karnataka 2020 SCC OnLine Kar 3093* – On Publication of contact number helplines etc for assisting public in pandemic.

- High Court of Karnataka Versus State of Karnataka 2020 SCC OnLine Kar 557 – On framing charge by procuring presence of accused through Video Conferencing
- Maa Vaishno Enterprises v. State of M.P., ILR 2020 MP 1577 (MP) – On Covid -19 Pandemic as natural calamity operates as force majeure.
- Corona Virus-COVID-19 Pandemic v. Government of Andhra Pradesh, 2020 SCC OnLine AP 78- On Protection to Frontline Workers- provision of Personal Protection Equipment.
- In Re: Functioning of Courts in Bihar during the period of COVID-19 Pandemic (Corona Virus), 2020 SCC OnLine Pat 548 – Bail – On extension of the period for furnishing the sureties/securities.
- In Re, Corona Virus-COVID-19 Pandemic v.State of Andhra Pradesh 2020 SCC OnLine AP 79 – On Direction for implementation of rules regarding bio-medical waste management and disposal.
- Suo Motu V. State of Rajasthan. Case Number: D.B. Civil Writ Petition No.5618/ 2020 by Rajasthan High Court- On Safety measures and precaution to be maintained for prisoners at Jaipur district jail.
- Japinder Singh V. Union of India and others. Case Number: Writ Petition(PIL)No.59/ 2020 by Uttarakhand High Court on Private unaided schools cannot collect tuition fees if the student is not attending online classes.
- Rashtriya Shramik Aghadi v. The State of Maharashtra and others Writ Petition No.4013 of 2020 by Bombay High Court on Principle of "No-work No-wage" not applicable in present extraordinary situations.
- Amit Bhargava V. The State (NCT of Delhi). Case Number: Writ Petition(C) 3016/ 2020 by Delhi High Court on Quarantine period cannot be strictly restricted to 14 days.

It was suggested that a robust video conferencing system for virtual court proceedings is need of the hour for effective functioning of courts and therefore, every High Court must start working on developing a robust technology infrastructure particularly for trial courts and decongestion of courts so as to ensure court functioning even during challenging times such as the Covid-19 pandemic and in future. An emphasis on education for all stakeholders particularly for lawyers was stressed upon.

Deliberating upon the background of Covid-19, it was pointed out that coping with the pandemic was a challenge and raised critical managerial issues. The pandemic also raised a great deal of concern about the effect on ongoing litigation as there was no system in place in most part of the country and litigators including other stakeholders had limited experience of conducting virtual courtrooms & procedures. Terming Access to Justice as basic Human Right, it was stressed that it cannot be denied even during extraordinary situation. The contribution of E-committee on building ICT infrastructure was discussed. It was pointed out that e-Committee had already realised the overwhelming need for reforming the judicial sector by adopting new technology and a National Policy and Action Plan to implement ICT in courts was already in place. A statistical analysis of fund allocations from the central government and pending cases in India was also presented. Citing judgement of Swapnil Tripathi V Supreme Court of India and others 2018 Indlaw SC 891, wherein the Supreme Court highlighted the openness function

of the court with respect to web casting the court proceeding, Critical managerial issues such as access, openness, creating a virtual platform and stress factors were discussed and pondered upon. The case management system as adopted by Kerala High Court during pandemic was discussed and presented in detail. It was stressed that while developing any digital platform in order to access justice, consultation with all stakeholders is necessary.

Adapting with existing courtroom procedures for virtual courtrooms such as etiquettes and court decorum were also highlighted. Steps taken in ensuring continued working of the judiciary such as Establishing access in E-sewa kendras, mobile video conferencing vehicles, broadcasting daily proceedings online on social media, serving notices e-post office, interlinking police stations during filing of bails, digitally signed certified copies were pointed out. A virtual tour of *Vconsol Court* (Created by Kerala High Court) was demonstrated & presented in the session, Its potential functions such as options to conduct the court efficiently, facilities available to advocates, facilities available to the judges, facilities available to the court officers, chat options and other salient features were also presented. Other tools at the disposal of Court such as online ADR Lok Adalat, relying on AI tools to schedule, hybrid system and building of Infrastructure were stressed upon. While discussing way forward, it was pointed out that creating a broad foundation for bringing changes is necessary. It was also stressed that everything begin with an idea and a state of mind and we need to embrace the new changes. Making structural reforms was also pointed out as a way forward in the end. The evolving jurisprudence post Covid 19 with respect to vulnerable section of the society was also pointed out. Other key issues such as health, lack of economic support, Immunization, lack of legislative support, Right to Demand Digital Services as a Fundamental Right were discussed. Provisions under International Covenant on Economic Social and Cultural Rights and Guiding Principle under UDHR were also highlighted in the session. Cause & effect of behavioral science and its impact during Covid 19 were pondered upon. Citing various examples, the importance of consumer centric justice was also stressed upon.

The session also provided opportunities to learned participants to share experiences and discuss effectiveness of virtual courtrooms, challenges faced, managing pendency of matters and efficient utilization of limited resources during pandemic.

Session 4

Theme: e-Judiciary: Challenges & Opportunities

Panel: *Justice A. Muhamed Mustaque* and *Justice Suraj Govindaraj*

The session commenced, pondering upon a question whether e-Judiciary is a myth or reality? It was pointed out that Judiciary the world over has been institutions of mammoth proportions that resisted change over the ages and the Covid-19 pandemic has been little more than a catalyst that forced these changes. Terming right to access justices as fundamental right, it was stressed that Judiciary in India can never be completely halted irrespective of circumstances around. The contribution of the judiciary on all levels during pandemic was discussed and the new age of hybrid system where the people may have an option to receive justice, offline or online was flooded.

Elaborating further on e-Judiciary, it was pointed out that e-Judiciary is such a system where a litigant may initiate a proceeding, submit documents, complete all the necessary requirements, all completely online with access to the internet 24/7 regardless of social or monetary impediments. Some examples of e-Judiciary worldwide were also presented.

The term *technology for an inclusive growth* in context of access to justice in India was introduced. It was stressed that embracing an e-Judiciary system goes a long way in increasing transparency and reducing turnaround time from filing a motion to receiving a motion. It will also solve issues of public perception and help in removing the stigma associated with Legal system. It will provide round the clock access to the courts and thereby lesser dependency on lawyers and middle-men which will ultimately lead to public trust & confidence in the judicial system. A roaster analysis of the High Court of Kerala with different features on the dashboard was also presented in detail. The judicial challenges with respect to digital evidence were also highlighted.

A brief overview of Artificial Intelligence (AI) and its extant application especially with reference to Indian judiciary was presented. Detailed description of current usages of AI by lawyers, law firms and corporates into justice system in India were explained under following heads;

- Conducting due diligence using AI tools including contract review, legal research and electronic discovery.
- Prediction technology using AI software to forecast litigation outcome.
- Legal analytics wherein case laws data can be used to generate trends and patterns.
- Document automation to generate documents.
- Analysis of large Intellectual Property (IP) portfolio.
- Divorce proceeding automation using AI; and
- Chatbots/Lawyer bots plate form to provide services.

Possible usages of AI in Courts at different level were highlighted and deliberated upon. Some of these usages as discussed in the session were;

- 360degree search of connected matters and or litigation between same parties by analysing case data.
- Bail verification using AI tools.
- Drafting and filing of mundane applications using AI.
- Auto dating and listing of matters.
- Memo of posting –Judge to give dates on the basis of court calendar
- Framing of charges and framing of issues by District Judiciary using AI software.
- Motor Vehicle Compensation using AI to determine compensation.
- Analysis of affidavits re maintenance and cross verification.
- Creation of Synopsis of dates and events.
- Disposal of Traffic offences using AI.
- Transfer pricing Analysis.

Some of Infrastructural and other requirements for AI such as upgradation of IT infrastructure, digitisation, enabling e-filing & paperless courts, training, hiring domain experts and developing apps & software were also highlighted.

On aspect of cyber security and data protection for safeguarding judicial institutions, it was pointed out that it is not the question of ‘if’ but ‘when’ there may be a cyber-attack on any of the Court I.T. Infrastructures. Citing some recent incidents of cyber-attacks on judicial system from U.S. and Europe, the notion that the judicial system is immune from cyber-attack was floored to ponder upon and for discussion. It was stressed that Judiciary is a data goldmine of containing sensitive information of stakeholders from all fields under various categories. It was suggested that a multifaceted approach is required and this begins with a detailed inventory, analysis and audit of the existing hardware, network and software infrastructure and on that basis, a detailed cyber security strategic plan can be worked out. This plan needs to be a living document that adapts to new requirements as far as possible on a real time basis. Once the digital assets including the data assets are audited and system vulnerabilities are identified, then layers of protection and monitoring protocols would have to be built to shield and strengthen the assets. Following measures/steps were suggested in the session;

- Catalogue-Classify-Prioritize your IT environment.
- Ensure good communication and relations between the court and its IT provider
- Ensure that adequate IT expertise and skills are included in court- based staff.
- Establish controls and maintenance systems.
- Conduct periodic IT system audits.
- Provide cybersecurity training to all judges and staff.