NATIONAL JUDICIAL ACADEMY

P-1300

MASTER TRAINER PROGRAMME FOR HIGH COURT JUDGES (E-COMMITTEE)

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Programme Report

PROGRAMME COORDINATORS

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Overview of the Programme

The National Judicial Academy (NJA) organized a Master Trainer Programme for High Court Judges (e-committee) on 21st August, 2022. The programme involved deliberations on the overview of e-Courts project and allied contemporary experiences. The inevitable role of a judge as game changer in the implementation of the e-Courts project was highlighted. National Judicial Data Grid (NJDG), procurement of hardware, role of Central Project Coordinators (CPC), and usage of case information system software (CIS) was also discussed.

SESSION – 1

Indian Judiciary under e-Courts Project: Overview & Contemporary Experiences

Speakers: Justice R. C. Chavan & Mr. Atul Kaushik

The session started by highlighting that the objective of the programme is to acquaint judges with the existing and impending technological tools under the e-Courts project so as to aid them exploit the complete prospective of their ability for judicial administration in the corresponding high courts. The phase-wise gestalt of the e-courts project initiated by highlighting experiences and takeaways from the first phase of the e-court project. The first phase commenced with basic minimum existing resources and equipment concentrated on supply and installation of hardware and creating infrastructure at all court complexes. Starting from the rudimentary case registry functions, case listing etc., without overstretching the staff so as to ensure maximum acceptance of the transferal. The objectives of the e-Courts Mission Mode Project as discussed are –

- ✓ to enrich judicial efficiency both qualitatively and quantitatively;
- ✓ to make the justice delivery system affordable, accessible, economical and transparent;
- ✓ to make policy for management of caseloads to ensure operative court and case management systems;

- ✓ to deliver proficient and time-bound citizen centric service delivery;
- ✓ to offer interoperability and compatibility with National Court Management System, Inter-operative Criminal Justice System, National Legal Service Authority, Prisons, Forensic labs, and other programmes to augment the quantity and quality of the justice delivery system;
- ✓ to advance, connect and implement decision support systems in courts and;
- ✓ to systematize processes to offer transparency of information access to various stakeholders

Subsequently, in the second phase, scope of activities was enlarged owing to sufficient funding and initiatives were fortified. This manifests from the way the e-courts systems aided courts to continue to function during the pandemic. Likewise, emphasis was drawn to the fact that NJDG, judgments.ecourts, JustIS app, app for litigants and advocates, government pleaders facility, e-filing, virtual courts, paperless courts, video conferencing, live streaming are some of the initiatives which have completely facilitated the stakeholders. It was suggested that with the use of Inter-operable Criminal Justice System (ICJS), magisterial courts can be made paperless. Additional key components of the second phase as highlighted are –

- ✓ process re-engineering; cloud computing;
- ✓ judicial knowledge management system;
- ✓ digital signatures;
- ✓ e-library, e-office; display boards, kiosks with printing facility;
- ✓ renewable energy alternatives and process service through hand held devices.

Prototypes that affected the outreach of the e-Court project were also elaborated upon. Some of them highlighted were-

- ✓ lack of continuity in administration;
- ✓ change in compositions of administrative and computer committees;
- ✓ perpetual shuffle in the registry;
- ✓ lack of inclination in having an in-depth understanding of the available

technological advancements;

- ✓ not utilising the available expertise for administrative decision making;
- ✓ resistance from the Bar and other stakeholders.

The discussion further highlighted that the major challenge before the e-committee in contemporary times is balancing transparency with privacy of the parties as well as judges. This is certain to accentuate with live streaming of court proceedings. Another area of grave concern as emphasised is security of apps and data.

Successively, vision of the third phase of the e-Courts project was discussed and it was underscored that the third phase is typically absorbed the piecemeal objectives of the second phase. The proposed objectives of the third phase include-

- ✓ intertwining courts across the country;
- ✓ ICT enablement of the Indian judicial system;
- ✓ aiding courts to augment judicial output, both qualitatively and quantitatively and to make the justice delivery system accessible, economical, transparent and accountable.

While deliberating the national and international angle it was iterated that computerization of courts is a global phenomenon. Nonetheless, due to diverse procedures in different jurisdictions, a contrast across jurisdictions may not be apposite. The systems in India in this scenario are driven by domestic requirements rather than global standards or best practices. Further the International Framework for Court Excellence (IFCE) was briefly discussed.

SESSION 2

High Court Computer Committee: Role of High Court Justices in e-Courts Project Implementation

Speakers: Justice N. Kotiswar Singh & Justice Nitin M. Jamdar

The session commenced by underlining that every High Court has a computer committee that carry out various initiatives. Additionally, the role of High Court Justices in the

implementation of these initiatives is all the more inevitable. The discussion on deployment of infrastructure, iterated that the first phase was centrally accomplished however the second phase is decentralized. The implementing agency for the second phase is the High Court. However, design and specifications for the infrastructure is decided at central level. To maintain uniformity the core of the software is also managed at central level. With respect to the procurement of hardware various guidelines and rules on public procurement were highlighted that included-

- ✓ Central Vigilance Commission (CVC) guidelines on public procurement;
- ✓ General Financial Rules (GFR);
- ✓ e- Procurement Portal/ Government e-Market (GeM);
- ✓ Manufacturer Authorization Form (MAF) etc.

It was stressed that since the policy document for Phase-III is under consideration by the e-Committee, Supreme Court of India consequently, the pending works of Phase II may be completed like –

- ✓ procurement of hardware;
- ✓ proper functioning of CIS at all courts;
- ✓ integration with ICJS should be emphasised for data sharing among agencies;
- ✓ pending utilization certificates for the completed works under phase-II must be submitted;
- ✓ appropriate upgradation of hardware and software;
- ✓ timely budget planning and execution plan;
- ✓ proper fiscal management and proper coordination among stakeholders.

Thereafter, the discussion highlighted that the role of Central Project Coordinators (CPC) is to coordinate with various stakeholders; look into the deployment of infrastructure and CIS periphery development; should have strict adherence to timeliness and target and must ensure timely submission of utilization certificates. Several initiatives and best practices of various High Court Computer Committees were emphasized viz.

- ✓ digitization of case records;

- ✓ e-Filing and online certified copies;
- ✓ implementation of e-Office for administrative purposes and virtual court for traffic challan and other petty cases.

As per Resolution 6 (iii) of the CJ Conference, 2016, the webpage accessible on the website of NJA that enables various High Courts to share experiences and best practices was also highlighted. It was underscored that for effective implementation of the e-Courts project the computer committee and the CPC of all courts are required to overcome the resistance to imbibe and inculcate technological advancements. It was capitulated that digital transformation is possible when all stakeholders go hand in hand without any confrontation with contemporary transformation.

SESSION 3

Court & Case Management under e-Courts Project

Speakers: Justice Sunil Ambwani & Justice Sanjeev Sachdeva

On the theme of court and case management, the discussion commenced by elaborating on several innovative ways to streamline working of courts and emphasise the need for a comprehensive policy on equipping the courts with technologically advanced infrastructure. . It was opined that the stakeholders will transition to policy changes only if they are incentivised. The need of making optimum use of technological innovations was highlighted by elucidating issues like transformation of courts through digitization of old records, use of electronic devices, improving connectivity in courts and keeping abreast with the aspirations of the society. The case of *Swapnil Tripathi v. Supreme Court of India (2018) 10 SCC 639* was referred wherein it was observed that technology can be used for expeditious disposal of cases and enhance transparency. The court also explored the feasibility of live streaming of court proceedings.

It was iterated that the influx of court managers in the judicial system has not yielded desired results, as a consequence, courts have failed to develop an atmosphere wherein judges are able to concentrate fully on their judicial work.

Further, the increasing significance of electronic evidence, the sources of electronic evidence including digital footprint, metadata, social media accounts, e-mails, etc. was discussed. The security and privacy concerns with the advent of social media, smart phone and devices which access all information and build profiles of individuals based on their activities, locations etc. were amplified.

Thereafter, a technological blueprint for the existing and future courts was provided:

- ✓ paperless courts;
- ✓ kiosks;
- ✓ e-tendering;
- ✓ e-filing,;
- ✓ rules being framed to determine validity of evidence collected through video-conferencing;
- ✓ digital signatures;
- ✓ use of artificial intelligence and machine learning;
- ✓ KOHA: integrated system of online libraries.