NATIONAL JUDICIAL ACADEMY

E-COURTS INTRODUCTORY PROGRAMME & COMPUTER SKILLS ENHANCEMENT PROGRAMME

LEVEL I & II (E-COMMITTEE) P-1334

5th March 2023

Programme Report

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Programme Report

National Judicial Academy organised the e-Courts Introductory Programme & Computer Skills Enhancement Programme – Level I & II for High Court Justices on 5th March 2023. The programme is a component of the e-Committee Special Drive Outreach Programme 2022 for change management. The programme was organised to bridge the digital divide amongst the stakeholders in the judicial system, and to enhance the IT skills of judges. The programme sought to equip the participant judges to effectively utilise the e-Courts services and also to familiarise them with the latest developments in Information Technology (IT) and computer technology.

The programme was commenced by emphasising on the e-Courts Mission Mode Project (e-Courts Project) as a movement to adapt the judicial system to the latest developments in technology. Further, it was stated that the programme has been organised as part of the change management exercise of the e-Committee of the Supreme Court of India to persuade judges to adapt and embrace technology. The encouraging achievements of various High Courts in adopting technology in the judicial system were highlighted. The significance of judicial leadership in inspiring, driving and steering this process of change was emphasised. The recent grant of funds to the e-Committee for Phase III was mentioned and it was stated that the funds should not be viewed as an endowment, rather it is an investment in the infrastructure of the judiciary. Emphasis was placed on discussing and assessing the progress, achievements, and bottlenecks in the implementation of the e-Courts Project so as to identify and determine the course of the next phase of the e-Courts Project. The hesitancy and reluctance towards technology on the part of the stakeholders in the judicial system was also noted and emphasised as a concern.

<center>**SESSION I**</center>

Theme: Fundamental ICT Skill Training: Overcoming Hesitancy in Adapting Technology

Speakers:

➢ Hon'ble Mr. Justice R.C. Chavan, Vice Chairman, e-Committee, Supreme Court of India

➢ Hon'ble Mr. Justice Suraj Govindaraj, Judge, High Court of Karnataka

In the first session it was stated that the grant of the funds by the government for the e-Courts Project casts an enormous responsibility on the judiciary to ensure effective utilisation of the funds. Meticulous planning is required to ensure effective utilisation of the funds and also to ensure that the funds invested in the judiciary give good returns. Failure to use the funds granted would render the judiciary liable for criticism and hence, there is a need for responsible action to ensure meaningful utilisation of the funds. Concrete plans and steps for utilisation of the funds need to be formulated to ensure effective utilisation of the e-Courts Project funds. Effective planning is necessary to address the issue of lack of clarity regarding the vision and plans for the IT reformation of the judiciary and the role and responsibility of stakeholders.

The change in the judicial system needs to be brought about by persuasion rather than imposition. The need for assessing the administration of courts and for correction and improvement in the same was emphasised. It was stated that one of the major issues in the effective implementation of the e-Courts Project is the frequent changes in leadership due to frequent changes on the composition of committees, registries and also due to the frequent change in Chief Justices of the High Courts; thereby leaving the project rudderless. There is a need to effectuate an element of continuity to ensure effective implementation of the e-Courts Project. It was suggested that the composition of committees should be revamped to ensure that judges who will have sufficient time in the High Court are involved in the decision making and implementation process. Further, judges with the requisite expertise must also be included in the committees to utilise their expertise. The participant judges were also cautioned regarding the attempts that would possibly be made by various agencies to lobby and push their product, and were advised to exercise caution while determining specifications of software and hardware and while acquiring technical products to ensure that only products required by the judiciary are acquired.

Discussion was undertaken on the engagement of NIC in the e-Courts Project and their effectiveness. It was pondered whether the judiciary can engage other technical experts in light of the frequent changes in leadership in the High Courts. Emphasis was placed on ensuring uniformity in implementation and continuity in the process to ensure that the judiciary does not invest in reinventing the wheel. Ensuring uniformity in devising solutions for all High Courts was also pondered upon and it was opined that 'core' and 'periphery' need to be reassessed and re-defined to ensure substantial uniformity in technological developments across all High Courts and to address the disparity in technological upgradation between High Courts.

Discussions were undertaken on the prevalent digital divide and the causes for the same. The reasons for hesitance towards adoption of technology on part of litigants and advocates were dwelt upon. Emphasis was placed on building greater awareness regarding the e-Courts system, and also for impact assessment of the training provided to stakeholders on e-Courts and technology. Emphasis was placed on active training of stakeholders rather than education. It was noted that conscious efforts have not been made to promote the Memorandum of Understanding regarding Common Service Centres to encourage the use of Common Service Centres to bridge the digital divide. The reluctance towards technology on the part of the court staff was noted and it was stated that such reluctance and hesitance is on account of the fear and apprehension that the staff would be rendered redundant by the adoption of technology in courts. The need to provide for the court staff and for optimal utilisation of human resource was underscored and it was stated that the court staff should be encouraged to adapt and be a part of the evolving system in courts.

The queries raised by NITI Aayog on the outcome of the e-Courts Project were pointed out i.e.

- What will be the impact of the e-Courts Project on the litigation in India?
- Whether the time span of cases will reduce?
- Whether it will reduce the number of times a matter goes before court?

The achievability of targets under the e-Courts Project was dwelt upon, and it was stated that individualised targets should be adopted as unachievable target like generalised reduction of time involved in cases are ineffective. The utility of the National Judicial Data Grid (NJDG) was emphasised and it was stated that NJDG is a mine of data which can be used to set individualised targets for each court. The participant justices were requested to set achievable targets for the district for which they are the guardian judge.

The issues posed for consideration included –

- Whether a common platform should be adopted to ensure similar interface?
- Whether professionals should be engaged for creating the software?
- Whether the court complexes are equipped with basic necessities including electrical sockets to enable the use of technology and to enable connectivity?
- Whether the residence offices of judges are adequately equipped with technology?
- Whether the infrastructure in court complexes is suitable for adoption of technology?

The role of building committees in providing requisite infrastructure for adoption of technology and for adaptation of the existing physical infrastructure to enable the adoption of technology were emphasised. The necessity of engaging stakeholders in conversation was emphasised as a measure to engage the stakeholders and to make them aware of the introduced. Emphasis was placed on the role of judges as leaders in the process of revamping the judicial system. The benefits of technological upgradation for all stakeholders in the judicial system including judges was underscored.

With regard to the role of e-services in bridging the digital divide, it was pointed out that around 95% of the filing in courts is done by around 20% of the advocates. Ensuring that this 20% of advocates are conversant with e-court systems would bring a major change. It was stated that most advocates in urban areas are technology enabled, however most advocates are not aware of the facilities available under the e-Courts Project. It is therefore, necessary to make them aware of the technological services available. Emphasis was placed on active engagement with advocates and other stakeholder to familiarise them with the e-service and it's utility. Reference was made to the learning from UK gained in the meeting with the delegation from UK held at NJA on 4th March 2023. It was noted that stakeholder reluctance to technological changes in the judiciary was an issue in UK as well and this was addressed in UK by engagement and awareness building exercises. The achievements of Kerala High Court in integrating technology in the judicial system were noted as a best practice which can be emulated by all High Courts.

With regard to judges' ability in technology, it was stated that while judges are not required to be experts in technology; but they need to know the available IT tools and how to use the same in their judicial work. Further, it was opined that the nomenclature of Case Information System limits the system to the mere provision and gathering of information. It was stated that there is

need for more than mere collection of information; the systems should enable the use and analysis of the information for the generation of outcomes from the data. Discussions were also undertaken on the achievement of uniformity in e-judicial systems in all courts in the country, the nature of uniformity envisaged, and the role of the computer committees in this regards. Emphasis was placed on the need for uniformity in implementation of the e-Courts Project to ensure that all High Courts are at the same level in terms of technological integration. It was stated that a national plan and pooling of resources were the need of the hour. It was stated that rather than patchwork measures which are a mere adjusting of the existing judicial system to accommodate the use of technology, the establishment of technological infrastructure is required. Common targets need to be established for all High Courts.

SESSION II

Theme: Enhancement of IT Skills
Speakers:
- Hon'ble Mr. Justice A. Muhamed Mustaque, Judge, High Court of Kerala
- Hon'ble Mr. Justice Anoop Chitkara, Judge, High Court of Punjab & Haryana

The second session was commenced with an emphasis on the role and responsibility of the judge as the leader of the judicial system. The need for accountability and generation of effective solutions for issues in the judicial system was underscored. The principles of 'value', 'vision' and 'vibrancy' were stated to be the approach to address the challenges before the judiciary in the present day.

Value was stated to be the benefit or utility accruing to the judiciary and the common man as a result of the change introduced. This value underscores the relevance and necessity of the change and includes the incidental value accruing due to the introduction of the change. Further, it was underscored that 'value' must be attached to the process of revamping the judicial system being undertaken to ensure that the process produces an outcome for the stakeholders as well as the common man; and is not a mere compliance of directions issued. It was stated that bridging of the divide in access to justice is an important value of the technological upgradation of the judicial system. The e-Courts Project seeks to introduce an all-inclusive model which transcends the challenges in society to ensure access to justice for all. Emphasis was placed on ensuring that the justice delivery system is accessible and

affordable for the common man. The value accruing from the e-Courts Project is the effective access to justice and consumer satisfaction for the common man.

Vision was stated to be aim and approach of the process undertaken. It was stated that the vision of the e-Courts Project necessitates a re-orientation of the judicial system - from the imposition of authority to the implementation of functionalities. This is an important element of the vision for the judiciary to be relevant and to deliver justice in the present times. A paradigm shift in the aspirations of the people from the judiciary also requires an overhaul of the system to ensure the justice delivery system is service-oriented. This requires the delivery of citizen-centric services and the development of applications to enable access to the judicial system and to address the problems faced by the common man including the delay in adjudication, and the challenges in procuring requisite information and documents from the judiciary. The vision to address these challenges justifies the need for development of applications to ensure effective delivery of service to the beneficiaries of the judicial system i.e. the common man. This vision of ensuring access to justice and achieving consumer satisfaction was stated to be a core vision for the e-Courts Project. The vision of effecting decentralisation, building public trust and confidence in the judicial system through the adoption of technology were held to be essential for the transformation of the justice delivery system. Effecting transparency, openness, accountability and expediency in the judicial system was also stated to be a core vision of the technological transformation of the judicial system. It was stated that the people are not aware of how the judicial system operates and the role and responsibilities of judges and the registry. In order to build the trust and confidence of the people in the judicial system, it is necessary to address this opacity in judicial functioning. Transparency can be effectuated through the introduction of technology. The measures introduced by Kerala High Court for bringing about transparency in allocation of work to staff, scrutiny of files and performance analysis of employees were highlighted. Inclusion of all stakeholders, executive functionaries and allied private institutions under one umbrella, and interlinking of courts were stated to be effective measures to ensure transparency.

Vibrancy was stated to be the quality and effectiveness of the change introduced. It includes the development of software and systems that are customised to meet the requirements of the user including the judge, the advocate and the litigant. It must be kept in mind that the e-judicial system developed is not for the court rather it is for the persons who are stakeholders in the judicial system. Hence, the software and hardware for e-Courts should be developed keeping

in mind the requirements of the user. It was noted that continuous use of a computer can be strenuous and often is cumbersome as it is difficult to locate and use files in computers. Furthermore, paperless courts are not feasible for all types of cases and courts. Accordingly, customised systems must be developed keeping in mind the requirements of the particular court and the judge. Further, it was noted that changes cannot be effectively introduced unless the attached value of the change directly impacts the user. Accordingly, developing software for the court rather than the user (i.e. the litigant, the lawyer, the court staff and the judge) is a flawed implementation of the e-Courts Project. An overview was provided of the functional tools available in the case management system developed by the Kerala High Court to emphasise on developing systems that enable ease of access and are user-friendly.

The emphasis was placed on adaptability on part of the stakeholders and the need to embrace change. It was stated that reluctance to new inventions and developments limits the system as a whole as the benefits of the innovation do not accrue to the system and the stakeholders. Reluctance towards technological changes in the judicial system would be an obstacle in effecting improvements that would enable the judiciary to effectively deliver justice. The evolution of human ability and technology was traced from creation of the first script, creation of machines to paperless systems and technology based systems. The adaptation to evolving technology and the benefits accrued were pointed out to emphasise on the need for embracing the developments. The adaptation of the judicial system in the Covid-19 pandemic to meet the needs of the time with the use of technological tools was highlighted as a significant achievement.

Technology was highlighted as an enabler and also as a leveller - which brings all persons irrespective of their colour, race, or religion on the same level. It was stated that change is inevitable. The courts of the future will be paperless and the system would transition from hybrid systems to completely virtual system, with physical hearings being a rarity. Furthermore, it was emphasised that if the judicial system and the stakeholders do not adapt to the change in the times, they would become a part of the problem rather than the solution. Accordingly, adaptability on the part of the judges was stated to be a crucial element for the success of the e-Courts Project.

Theme: Latest Developments in IT & Computer Technology
Speakers:

- ➢ Hon'ble Mr. Justice A. Muhamed Mustaque, Judge, High Court of Kerala
- ➢ Hon'ble Mr. Justice Raja Vijayaraghavan V., Judge, High Court of Kerala

The third session was commenced highlighting the current debate regarding the utility of Artificial Intelligence (AI) and machine learning in support of human intelligence. The widespread concern of AI's potential as disruptive technology which may supplant humans was voiced. The potential, utility and limits of AI in judicial administration and adjudication was dwelt upon. It was emphasised that AI is not supposed to take over the system of judicial governance to the extent that it substitutes humans altogether. It was stated that AI is a technological advancement that the judiciary would be required to grapple with in the near future, and hence, there is need to discuss and assess its potential to assist in judicial governance.

A query was posed as to whether machine learning possesses any intelligence. It was stated that AI undertakes reasoning on the basis of the data fed into it by humans and the outcome generated by machine learning is based on such data. Furthermore, such output would be a limited predictable outcome based on the data and would lack imagination. Reference was made to the process of human reasoning and syllogism, its evolution and the use of reasoning in judicial decision making.

Emphasising on the organisational value of technology integration, it was stated that interlinking of courts is an aim of the adoption of technology. The centralised structure of the judiciary and the intrinsic trust placed on the judicial system including the registry were noted and this trust was stated to be an important component which ensures credibility and expediency in the judicial system. Emphasis was placed on interlinking of courts, and the potential role that technology including Block Chain and AI can play in the interlinking of courts. The internet court established in China were referred, to highlight recent global developments in e-judicial systems. Discussion was undertaken on the possibility of adopting a judicial system which does away with the system of movement of data in physical form from one court to another. It was stated that seamless transfer of data from one court to another

across the judicial hierarchy should be ensured and it was averred that Block Chain would be of significant utility in this regard.

The elements of Block Chain and AI and its potential use in the justice delivery system were dwelt upon. An overview of the functioning of block chain and its utility was provided. It was noted that every technology has its own risks and vulnerabilities, hence, abundant caution must be exercised while adopting technology in the courts so that technologies that are reasonably safe are adopted and security of the judicial system is ensured.

The concept of AI was explained and its utility for the judicial system was dwelt upon. It was stated that AI can enable judicial administration on the basis of institutional norms rather than individual choices. This would ensure consistency and certainty, thereby lending functional credibility to the judicial system.

The potential use of AI in the justice delivery system was discussed. The use of AI in effecting the automation of court staff functions was considered. AI can be used to automatically undertake the tasks of scrutiny to ensure proper and complete filing which is currently undertaken by filing scrutiny officers who undertake the task based on prescribed norms. This will ensure effective use of resource including human resources. AI can also be used to automatically generate documents. This also save time, money and resources. Staff who are not required for these tasks can be utilised in manning the new courts that can be set up by the resources conserved. Emphasis was placed on judicious use of resources including human resources through the use of technology and redeployment of resources conserved for other tasks including establishment of new courts.

It was also emphasised that cases like motor accident claims which form a major part of the docket can be effectively disposed off with the use of technology thereby conserving judicial time and resources. Automation of justice delivery in such cases will free up judicial time which can be used for the adjudication of complex cases. Furthermore, the use of AI in such cases will ensure consistency and predictability in judicial outcomes. Reference was made to the emergence of smart contracts which would automatically provide for resolution of disputes arising out of the contract before the matter reaches a court. It was stated that AI can be effectively used in assisting in the delivery of justice. It was underscored that AI cannot be a substitute or displace the judge in adjudication; its role would be to aid and assist the judge in the process of adjudication.

The use of AI in translation of court documents including judgments was highlighted. The recent initiative of the Supreme Court to enable translation of judgments through AI was highlighted as a measure to ensure effective access to justice to the common man *sans* language barriers. The AI tools being developed for the judiciary such as transcription services (TERES in the Supreme Court of India), ChatGPT etc., and its utility in enhancing the efficiency of courts was discussed. The use of Cortana in Microsoft Word as a speech to text tool was highlighted.

The discussions thereafter dwelt on generative AI and its potential and limitations. It was stated that generative AI can be used for intelligent scheduling of cases, creation of cause list, to extract the position of law from precedents, prioritisation of cases and intelligent filtering of cases, smart e-filing (which will reduce defects in filing), translation, and extraction and furnishing of basic information to potential litigants. The AI Chatbot 'Jugalbandi' was highlighted as an effective tool for provision of information to the common man in vernacular language. The dimensions of AI were highlighted. It was stated that AI can be used to organise information, improve procedural efficiency, advise potential litigants, and arrive at a predictable solution. AI can also aid in the decision making process and can assist judges to sift through information and arrive at a conclusion. AI can also reduce arbitrariness in decision making and ensure predictive justice. AI has the potential to transform the justice delivery system.

Generative AI was stated to be a category of AI that generates new outputs based on data. While traditional AI is designed to trace patterns in data and make predictions on this basis, Generative AI creates new information in the form of text, audio etc. The operation of Generative AI on the basis of the deep learning model of Generative Adversarial Network was briefly alluded to. It was stated that Generative AI enables faster legal resolution of case, improved legal research, better decision making, accurate predictions and enhanced access to justice. The AI based tools developed in various countries including Chatbots in USA, Smart Courts and China Judgments Online in China, e-SCR in India, and Digital Case System in UK. The use of ChatGPT in adjudication by a judge in Colombia was referred to. The AI based tools in India – SUVAS, SUPACE, Nyayabandu, Casemine, Manupatra – Judge Analytics, AICTE translation module, CaseIQ, LegitQuest, Quillbot and Summariser were highlighted. The potential for bias in AI outputs was pointed out citing the cases of COMPAS in USA and Amazon's AI based recruitment tool. The use of AI in undertaking predictive analysis was

dwelt upon and the use of AI based tools to predict the outcome of cases before the European Court of Human Rights was mentioned. The development of AI based tools which assist the public in dealing with minor matters like traffic violations was discussed citing the example of Gina the online AI based traffic assistant in USA. The AI based tool VICTOR of the Supreme Court of Brazil which is used for preliminary case analysis was discussed and the utility of such a tool in conserving judicial resources was highlighted.

The basic principles under the European Ethical Charter on the use of Artificial Intelligence in Judicial Systems and their Environment were referred to *viz.* –

- Principle of respect for fundamental rights
- Principle of non-discrimination
- Principle of quality and security
- Principle of transparency, impartiality and fairness
- Principle "under user control"

The use of ChatGPT for legal research was demonstrated. The utility of AI based translation tools like Bashini were highlighted. The participant justices were made aware of the tool Judge's Intelligent Virtual Assistant (JIVA) which is being developed. The need for tools for software for correction of draft of judgments was highlighted. The transcription tools available such as TERES was also referred to highlight the utility and potential of AI based tools to revolutionise the trial courts. The utility of AI tools in enabling remote location access for judges and court staff was also highlighted. Transcription and translation tools were also stated to useful in enabling effective access to justice. The utility of these tools in enhancing efficiency of courts and efficient use of time and judicial resources was noted. It was also stated that the speech to text tools would be useful for judges. The issue of delay due at High Courts due to the time taken in procuring the records from the lower courts was highlighted. Further, the challenges faced by judges at the appellate stage due the fact that the records at the lower courts are in vernacular languages was noted. In this context, the need was expressed for technological tools which can gather information from the documents pertaining to the case at the lower court and provide a summary to assist the judge. Further, the integration of such tools in the e-Courts system was also suggested. It was also stated that SUVAS needs improvement to ensure accuracy and to reduce the need for manual corrections. The utility of AI tools for converting speech to text, for translating vernacular judgments to English and vice versa, for dealing with lower court records and for administration of courts was emphasised. It was suggested that

certain best practices in the implementation of technology in Courts should be identified for emulation by all High Courts to ensure uniformity. The computerised performance assessment system, human resource management app for transfer and posting, and the applications (including e-Karyalaya- file movement and tracking system, e-Dakia judicial file tracking system, e-Meeting, e-HR - Patna High Court Employees Management System, Comprehensive Budget Management and Information System, Comprehensive Section Management and Information System, Vigilance Automation System, Online Grievance Redressal System, District Court Infrastructure Management System, Automated Quarter Allocation System etc.) developed by the Patna High Court to assist judicial officers in the administration of justice were highlighted.

The programme was concluded appreciating the valuable input received in the discussions which would provide useful suggestions to improve the implementation of the e-Courts Project and would assist the e-Committee in identifying and addressing the loopholes and areas of concern in the integration of technology in the judicial system.

Key Takeaways

1. There should be uniformity in implementation of the e-Courts Project to ensure that all High Courts are at the same level in terms of technological integration. It should be determined whether it would be suitable and feasible to have a uniform system in all states to ensure vertical integration and for the removal of barriers caused by variations caused by systemic differences. This would necessitate a review of the demarcation of core and periphery in the e-Courts Project to ensure uniformity in judicial systems across the country. This would also require a common procedure and rules to ensure uniformity.

2. Consideration may be given to the feasibility of uniform software to ensure seamless integration of all courts. It would also be suitable to consider whether the e-Courts Project may be continued on open source technology, and whether customised software should be developed with ownership of the courts over such software.

3. The e-Committees of the High Courts may consider including judges who are interested in the technological upgradation of the courts and who have requisite expertise in this

area. Inclusion of judges with longer tenures in the e-Committee of the High Court would ensure continuity in the process.

4.   The role and responsibility of NIC in the e-Courts Project and the scope and feasibility of the engagement of other agencies may be considered.

5.   Awareness building exercises need to be conducted to encourage the use of e-Court facilities as well as the Common Service Centres by litigants and advocates.

6.   Measures may be devised to incentivise stakeholders to adopt e-Courts systems including e-filing, and e-payment. Involvement of all major stakeholders in the justice delivery system including the Bar and the court staff should be encouraged to ensure greater acceptance of the e-Courts Project. Change management measures should be devised to convert existing training programmes into a transformative movement.

7.   Caution must be exercised in determining the plan and requirements in Phase III of the e-Courts Project to ensure only necessary hardware and software are acquired. Standardised specifications and norms may be determined. The feasibility of wet lease of equipment may also be considered as this would ease the requirement of recruitment of staff and maintenance of equipment, and may create opportunities for self-employment.

8.   The High Courts may consider reviewing the existing infrastructure at the court complexes and judge's residential complexes to assess whether the existing physical infrastructure is suitable for the seamless roll out of the e-Courts Project, and whether any changes need to be made in the infrastructure to this end. A committee comprising of judges, architects and IT experts may be constituted for this purpose.

9.   Review of the human resource requirements of the courts and the present staffing pattern may be undertaken. The available skill sets in the existing staff, the requisite skill sets for the effective use of the e-services, the possibility of acquisition of these skills by the existing staff and the effective use of the existing staff under the e-Courts Project may be reviewed to assess the human resource requirements of the courts to effectively roll out the e-Courts services.

10. A review may be undertaken of the existing use and effectiveness of the e-Courts service. This review may include an assessment of tools like NJDG and Justice Clocks and the potential assistance these tools may render in taking management decisions. Assessment may also be made of the user interface, the effectiveness and user-friendliness of the tools, as well as their achievements and limitations.

11. The best practices in implementation of technology in the judicial system need to be identified as standards which may be adopted by other High Courts to ensure uniformity and commonality.

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