

# NATIONAL JUDICIAL ACADEMY



## WORKSHOP FOR HIGH COURT JUSTICES ON INFORMATION AND COMMUNICATION TECHNOLOGY [P-1349]

30<sup>TH</sup> JULY, 2023

### PROGRAMME REPORT

PROGRAMME COORDINATORS

PAIKER NASIR & NITIKA JAIN

FACULTY, NATIONAL JUDICIAL ACADEMY

## ***Session 1: ICT Advancement in the Indian Judiciary: Challenges and Best Practices***

**Speakers: Justice G.S. Patel, Justice Suraj Govindaraj**

The session commenced by highlighting that before the initiation of Phase 1 of the e-courts project, the Indian judiciary inherited its systems and processes from the British colonial era. This included the filing and storage of case-related documents in individual court record rooms. These files were stored in leather folders, some containing historically significant records such as Mahatma Gandhi's first arrest. Over time, this system led to inefficiencies, high costs of construction, and issues with pest damage. It was pointed out that the Indian e-courts project, initiated in 1990, marked a significant turning point in modernizing the judicial system. It is one of the most sophisticated and complex projects, focusing on consolidating data, standardization, and better coordination among the various elements of the judicial system.

Various key advancements and progress of the e-courts projects were put forth including consolidation of data, one of the fundamental aspects of the e-courts project aimed to centralize and harmonize information from various courts across the country; Standardization and uniformity to the judiciary's processes and data management, replacing the diverse and often archaic systems used in individual courts; and Better Coordination wherein the need for improved coordination among different elements of the judicial system was addressed through the e-courts project. The session also included deliberations on data harvesting and National Judicial Data Grid (NJDG) wherein it was mentioned that the e-courts project facilitated significant data harvesting, with the NJDG being a valuable resource with high potential. It was emphasized that this data-driven approach allowed for informed policy decisions and improved data visualization.

It was also pointed out that the e-courts project also enabled cross-linking of databases, providing the government and judiciary insights into cases and individuals, making process serving more efficient. Uniform Citations and Scanning where Bombay High Court led the way by implementing uniform citations, scanning, and QR codes, improving data accessibility. However, it was highlighted that there is a need for better coordination and integration among databases. Challenges with regard to standardization was stressed upon stating that the judiciary's standardization remains insufficient, highlighting the need for unification and a single search stream for all judicial data. It was suggested that the Captcha be removed to provide a single, uniform, and user-friendly access to records. This is crucial for the success of the e-courts project.

The discussion also focused on considering private storage option with its benefits and disadvantages. It was outlined that the question of privatizing the storage and warehousing of physical data needs to be analyzed, considering the shift toward digital records. Further it was asserted that collaboration and learning among judges, lawyers, and staff are essential to implement technology and share best practices. Different states, like Kerala, have developed their own solutions. It was reflected upon that the Indian judiciary, while divided into various High Courts, operates as a unified entity, with a shared purpose and three core areas of focus: Data and Meta Data, Standardization, and Dialogue. It was emphasized that the role of High Court judges and the Computer Committee is crucial in harnessing technology effectively. While the Current Information System (CIS) is seen as data greedy, there is a call for an integrated platform with user-friendly applications to make the data more accessible and useful for all stakeholders, including lawyers and litigants. Collaboration, change management, and sharing best practices were emphasized, with the example of Kerala's independent software development. It was suggested that strong leadership from senior judges and Chief Justices is vital for the effective implementation of e-courts project focusing on the divide between technical experts and judicial decision-makers. The need for both technological expertise and judicial insight in the Computer Committee (CPC) was underlined. It was underscored that the primary challenge is not just resistance to technology but also the lack of suitable software, hardware, and maintenance of older records, calling for a holistic approach to drive digital transformation.

Lastly, the session was summarized with following discussions that the e-courts project in India has made significant progress in modernizing the judiciary, making it more efficient and accessible. The focus on data consolidation, standardization, and better coordination has led to the development of the National Judicial Data Grid and other key advancements. However, there is a need for ongoing collaboration, learning, and leadership to ensure the continued success of the project. The digital transformation of the Indian judiciary is a journey, and it requires constant adaptation and improvement to meet the needs of the modern legal system.

### ***Session 2: Enhancing Court Efficiency and Access to Justice through ICT Solutions vis-à-vis Court and Case Management***

***Speakers: Justice Sanjeev Sachdeva, Justice G.S. Kulkarni***

The session's deliberations revolved around highlighting the requirement for a common system,

module, and technology tailored to the specific needs of the judiciary. Standard patterns were discussed, subject to modifications to meet individual requirements, focusing on the storage and accessibility of information. It was pointed out that several states, including Kerala, Delhi, MP, and Maharashtra, have developed their own systems, ensuring satisfaction among all stakeholders by aligning the system with their needs. The consensus was that handling information through technology must be entirely need-based.

The discussions encompassed various aspects of digital transformation, such as paperless courts, e-filing, electronic service of summons, appeals, suits, and e-payments. The need for a change in mindset was highlighted to fully embrace these technological advancements. Issues related to video conferencing and the digital divide were also addressed. It was stressed that training and education are essential to bridge the digital gap, especially in regions with limited access to public infrastructure and services. A checklist of requirements for lawyers and the public was presented, emphasizing the need for essential tools and skills to interact effectively with the courts. Public infrastructure, computers, devices, and internet access were considered critical for ensuring access to justice and eliminating the digital divide. The importance of citizen-centric assistance was highlighted, focusing on citizens' diverse needs and digital literacy levels. Various strategies were discussed to cater to individuals who possess devices, have digital identities, or lack skills in using them. E-filing and e-payment protocols were discussed to ensure the security and confidentiality of sensitive information while assisting litigants and lawyers. The session underscored the need to enhance citizen-centric services, with outreach programs, eSewa Kendras, and Common Service Centers playing a crucial role in addressing the digital divide. Mass digital skill awareness was seen as a necessity for transitioning to paperless courts.

Court and case management tools, including the National Judicial Data Grid (NJDG), Case Information System (CIS), and Electronic Case Management Tools like JustIS Mobile App, were recognized as essential for data-driven planning and administration. The NJDG, in particular, was acknowledged for its vast data on case pendency and judgments, offering valuable insights for decision-making and trend analysis. The discussion also centered on the Technological Exchange with regard to ICJS/CCTNS, where the ICJS (Integrated Criminal Justice System) was mandated to create a national integrated end-to-end workflow platform for data exchange within the Criminal Justice System. The session highlighted the scope and areas for enhancing the ICJS, emphasizing

the need to refine its contours and further integrate key components to improve the efficiency and collaboration within the criminal justice system.

The session also shed light on the remarkable evolution of technology, drawing parallels between the transition from SD cards to micro SD cards and from Macintosh computers to iPads. It was opined that while the world has embraced technological advancements, how the court system have lagged behind. The session highlighted a shift from typewriters to inkjet printers and how, over time, courts have transitioned from traditional physical filing and storage to digitized records. It was pointed out that in Delhi, digitization commenced around 2009, but judges initially resisted the digital transition. However, the COVID-19 lockdown accelerated this change, compelling all stakeholders to embrace digital solutions. The session also explored what is deep fake AI, metaverse and advised judges to be cautious when evidence is presented. The overarching message was a call to change one's mindset to adapt to the digital era, emphasizing the benefits of quicker, easier, and more accessible dispensation of justice, particularly in larger states where digitalization can enhance efficiency and save time in handling case files.

### ***Session 3: Artificial Intelligence (AI) and its Implications as Prospective Courtroom Technology: Ethical and Legal Considerations***

***Speakers: Justice M. Sundar, Justice Suraj Govindaraj***

The discussions began with a focus on the importance of open courts and public access to legal proceedings. Reference was made to Order 20 Rule 1 of the Civil Procedure Code (CPC) and Article 145(4) of the Indian Constitution, along with Section 153 of the Code of Criminal Procedure (CrPC). It was noted that in the case *Naresh Shridhar Mirajkar and Ors v. State of Maharashtra and Anr.* 1966 SCR (3) 744, it was affirmed that a court is inherently an open court.

Cases on right to privacy including *Justice K.S.Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 and *Justice K. S. Puttaswamy (Retd.) & Another v. Union of India*, (2019) 1 SCC 1 were cited, emphasizing their significance in upholding the right to privacy as a fundamental right. The latter case outlined three essential principles, with a particular focus on decisional autonomy in personal life choices. It was noted that these principles have far-reaching implications in the digital age. The discussions reflected on the development of AI, acknowledging that John McCarthy is considered the "Father of AI." It was also mentioned that Alan Turing made significant

contributions to AI during World War II, particularly in developing an imitation technique known as "enigma."

It was highlighted that the collection of data for judicial decision-making is a central theme. Data collection was categorized into two main areas: administrative functions and data collected with prior consent for circulation to the public. The relevance of AI in Indian Judiciary was discussed, with a focus on Suvas and Supace. Challenges in translations and legal interpretation were pointed out wherein participants raised concerns about translating legal documents into Telugu, as there were issues with legal interpretation in the process. It was noted that accurate translation is essential to ensure the correct understanding of legal matters.

Reference was made to the following cases *Commissioner of Customs, Bangalore Vs. M/s.Acer India Pvt. Ltd.*, (2008) 1 SCC 382 and *Hewlett Packard India Sales (P) Ltd. v. Commr. of Customs*, (2023) 7 SCC 799 to advise against relying on Wikipedia for legal information. Additionally, an app called "Jugalbandi" was highlighted as a relevant tool in the legal field for translations. The session also touched upon "Giva," a tool for judicial interaction assessment.

The session included a chronological overview of the Data Protection Bill, starting from 2011 when the Ministry of Personnel, Public Grievances, and Pensions began drafting privacy bills. The evolution of the bill until it was approved by the Cabinet in 2023 was also outlined. The discussion highlighted the work of an expert group chaired by Justice A.P. Shah on privacy. It was pointed out that the group studied the constitutional basis for privacy and proposed a conceptual framework for privacy legislation in India, emphasizing five salient features. The expert group proposed nine privacy principles, covering aspects such as notice, choice and consent, collection limitation, and accountability, among others.

The sessions further included references to several court cases that had a significant impact on the legal landscape. These included the *Shreya Singhal v. Union of India* (2015) 5 SCC 1; *Justice K.S. Puttaswamy (Retd.) v. Union of India case (cited above)*; *Swapnil Tripathi v. Supreme Court of India* (2018) 10 SCC 639; *Praveen Arimbrathodiyil v. Union of India* (WP (C) No. 9647 of 2021); *Nipun Saxena v. Union of India* (2019) 2 SCC 703; *XXXX V. Kancherla Durga Prasad & Ors.* (SLP (CrI) No. 3211/2022); and *S.K v. Union of India* (W.P. (C) 5400/2023).

The discussions presented a global overview of AI integration in court processes. Examples from China, Brazil, Colombia, Singapore, and Estonia were discussed, highlighting the various applications of AI in the legal system. Both short-term and long-term challenges associated with the integration of AI in court processes were addressed. These included the "black box problem," transparency and explainability issues, potential biases, and the constitutional role of judges. Drawbacks of AI, including AI bias, loss of employment, shifts in human experience, and accelerated hacking, were also noted.