

FOR PRIVATE CIRCULATION: EDUCATIONAL PURPOSES ONLY (P-1398)

# NATIONAL JUDICIAL ACADEMY



[P-1398]

**WORKSHOP FOR HIGH COURT JUSTICES ON INFORMATION AND  
COMMUNICATION TECHNOLOGY**

**7<sup>th</sup> April 2024**

**READING MATERIAL  
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8.	Vishal Mangal, <i>Justice goes digital: Phase – III of India's eCourts project to bring efficiency and accessibility to the court system</i> , editorial, Voices, TOI, March 3, 2023	239
9.	Justice R. Banumathi, <i>Case Management – Responsibilities of A Judge</i> in JUDICIARY, JUDGES AND THE ADMINISTRATION OF JUDGES, pp. 181-192, Thompson Reuters 2020.	242
10.	<i>Technology rules? The Advent of New Technologies in the Justice System</i> , 1st Report of Session 2021–22, Published by the Authority of the House of Lords, 30 March 2022	254
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12.	<i>Technological Accomplishments</i> , Chapter-11 in INDIAN JUDICIARY-ANNUAL REPORT 2021-22, pp. 121-126, The Supreme Court of India, New Delhi	354
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2.	R. Arulmozhiselvi, <i>Court Management through JustIS Mobile App</i> , Reference Material by e-Committee, Supreme Court of India, December, 2018.	
3.	John M. Greacen, <i>18 Ways Courts Should Use Technology to Better Serve their Customers</i> , Institute for the Advancement of the American Legal System (2018)	

4. Marco Velicogna and Mirela Bogdani, *Use of Information Technologies/ICT in Judicial Activity*, Council of Europe’s European Commission for Efficiency of Justice CEPEJ 2017
5. Erwin J. Rooze, *Differentiated Use of Electronic Case Management Systems*, International Journal For Court Administration | November 2010
6. Jyoti Rattan and Vijay Rattan, *The COVID-19 Crisis – the New Challenges Before the Indian Justice and Court Administration System*, 12(2) International Journal for Court Administration 11 (2021)
7. *From Courts Today to Courts Tomorrow: Identifying and Prioritizing Innovation Needs in Technology, Policy, and Practice* in FOSTERING INNOVATION IN THE U.S. COURT SYSTEM, pp. 45-70, (Brian A. Jackson, Duren Banks, John S. Hollywood, Dulani Woods, Amanda Royal, Patrick W. Woodson And Nicole J. Johnson), RAND Corporation, 2016.

**SESSION 2**  
**COURTROOM SECURITY: JUDICIAL AND PERSONAL**

1.	<i>Cyber Security Basics for Courts</i> , Prepared by JTC Resource Bulletin - December, 2019	360
2.	<i>Data Governance Policy Guide</i> , National Center for State Courts, December 2019	401
3.	CPEJ Report, <i>Toolkit for supporting the implementation of the Guidelines on how to drive change towards Cyber Justice</i> , Strasbourg 14 June 2019, CEPEJ (2019) 7	439
4.	<i>Data Protection &amp; Cybersecurity</i> , Prepared by Law and Practice contributed by ANA Law Group – April, 2019	486
5.	Brian J. McLaughlin, <i>Cybersecurity: Protecting Court Data Assets</i> , Trends in State Courts 67-72 (2018)	503
6.	Logan Finucan, Erika Barros Sierra, et.al., <i>Smart Courts: Roadmap for Digital Transformation of Justice in Africa</i> , 29 June 2018	509
7.	Herbert B. Dixon Jr. (Ret.), <i>Response to “The Court Has Been Hacked!”</i> , The Judges' Journal, Volume 61, Number 1, Winter 2022	535

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1. Dory Reiling, *Technology for Justice: How Information Technology can Support Judicial Reform* Leiden University Press, 2009
2. Wang Rui, *ASEAN Cybersecurity Policy and China-ASEAN Cooperation*, 98 CHINA INT’L Stud. 55 (2023)
3. Dafina Bucaj, *The Obligation to Prevent Transboundary Cyber Harm: Expand the Regulatory Regime or Continue Deflecting Responsibility*, 54 GEO. Wash. INT’L L. REV.219 (2022)
4. Anna Dmitrieva, Shadi Alshdaifat & Pavel Pastukhov, *The Features of the Use of Information Technologies in Criminal Proceedings in the BRICS Countries*, 10 BRICS L.J. 88 (2023).

**Bill Summary**

- **The Daniel Anderl Judicial Security and Privacy Act**, *In recent years, an increasing number of Federal judges have been threatened for carrying out their critical work of administering justice. Personal information about judges and their families, including home addresses, is easily found online. This legislation is narrowly tailored and strikes the appropriate balance between the safety of Federal judges and their families and the importance of transparency and accountability in the judiciary.*

<b>SESSION 3</b>		
<b>ARTIFICIAL INTELLIGENCE (AI) AND ITS IMPLICATIONS AS PROSPECTIVE COURTROOM TECHNOLOGY</b>		
1.	Maura R. Grossman, Paul W. Grimm, Daniel G. Brown, and Molly (Yiming) Xu, <i>The GPT Judge: Justice in A Generative AI World</i> , Duke Law & Technology Review (Oct. 2023), Vol. 23, Issue 1	538
2.	Felicity Bell, Lyria Bennett Moses <i>et.al.</i> , <i>AI Decision-Making and the Courts: A guide for Judges, Tribunal Members and Court Administrators</i> , The Australasian Institute of Judicial Administration Incorporated, June 2022	564
3.	Paul W. Grimm, Maura R. Grossman <i>et.al.</i> , <i>Artificial Justice: The Quandary of AI in the Courtroom</i> , Judicature International, Published by the Bolch Judicial Institute at Duke Law, September 2022	610
4.	Benjamin Minhao Chen, Alexander Stremitzer and Kevin Tobia, <i>Having your Day in Robot Court</i> , Harvard Journal of Law & Technology, Volume 36, Number 1 Fall 2022	623
5.	Fredric I. Lederer, <i>Here There be Dragons – The Likely Interaction of Judges with the Artificial Intelligence Ecosystem</i> , Judges Journal Vol. 59, No. 1, Winter 2020	669
6.	Herbert B. Dixon Jr, <i>What Judges and Lawyers Should Understand About Artificial Intelligence Technology</i> , 59(1) The Judges' Journal 36 (2020)	674
7.	Ray Worthy Campbell, <i>Artificial Intelligence in the Courtroom: The Delivery of Justice in the Age of Machine Learning</i> , COLO. TECH. L.J, Vol. 18.2, 2020.	678
8.	Sandeep Bhupatiraju, Daniel L. Chen and Shareen Joshi, <i>The Promise of Machine Learning for the Courts of India</i> . National Law School of India Review, 2021, 33 (2), pp.462-474.	706
9.	Shaun LIM, <i>Judicial Decision making and Explainable Artificial Intelligence</i> , (2021) 33 SAclJ 280	720
10.	Francesco Contini, <i>Artificial Intelligence and the Transformation of Humans, Law and Technology Interactions in Judicial Proceedings</i> . Volume 2 (1) 2020 Law, Technology and Humans.	755
11.	Cinara Rocha and João Carvalho, <i>Artificial Intelligence in the Judiciary: Uses and Threats</i> , CEUR Workshop Proceedings (2022)	770
12.	Marla N. Greenstein, <i>AI and a Judge's Ethical Obligations</i> , 59 Judges J. 40 (2020)	779
13.	John G. Roberts, Jr. Chief Justice of the United States, <i>2023 Year-End Report on the Federal Judiciary</i>	780
14.	Joshua Park, <i>YOUR HONOR, AI</i> , Harvard International Review , Vol. 41, No. 2, Exhaustion, Erosion, Extinction: Institutional Failure in a Zero-Sum World (Spring 2020), pp. 46- 48	794
15.	Richard Susskind, <i>The Future of Courts</i> , 6(5) Remote Courts 1-16 (2020)	797
16.	<i>EU Artificial Intelligence Act (Final Draft January 21, 2024), Quick Overview</i> , [Refer Full Text which is Available at: <a href="https://artificialintelligenceact.eu/ai-act-explorer/">https://artificialintelligenceact.eu/ai-act-explorer/</a> ]	814
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1. Stephanie Domitrovich, *Artificial Intelligence Stepping into Our Courts: Scientific Reliability Gatekeeping of Risk Assessments*, 59 Judges J. 31 (2020)
2. Jeff Ward, *10 Things Judges Should Know about AI*, 103 Judicature 12 (2019)
3. *Emerging Technologies and Judicial Integrity - Toolkit for Judges*, United Nations Development Programme (2021).
4. A. D. Reiling, *Courts and Artificial Intelligence*, 11(2) International Journal for Court Administration 8 (2020)
5. Uday Shankar and Shubham Pandey, *Balancing the Scales of Justice through Artificial Intelligence*, 63 JILI (2021) 190
6. *AI Boon or Bane*, India Today, Vol. 49-Number 3, Published on January 15, 2024
7. Wilfried Bernhard, *The Use of Artificial Intelligence in the Field of Justice*, Available at: <https://doi.org/10.5771/9783748926979-173>, <https://www.nomos-elibrary.de/agb>
8. James E. Baker, Laurie N. Hobart & Matthew Mittelsteadt, *An Introduction to Artificial Intelligence for Federal Judges*, Federal Judicial Centre 2023
9. State of the Courts Report 2024: *As concerns over caseloads and backlogs recede, GenAI makes its presence felt*, Thomson Reuters 2024

### Judgment & Orders

*(Judgments mentioned below include citations and short notes for reference only. Please refer full judgment available in Pen Drive for conclusive opinion)*

1. **Sarvesh Mathur v. Registrar General High Court of Punjab and Haryana**, 2023 SCC OnLine SC 1293 [*“The Court directed the High Courts to ensure that adequate internet facilities including Wi-fi are made available free of charge to all advocates and litigants appearing before the High Courts. The Apex Court also said that links available through Video Conferencing must be made available in the cause list of the concerned court and that there should be no requirement to make a separate application to appear through virtual mode. The Court also directed all High Courts to put in place a Standard Operating Procedure (SOP) for litigants to avail access to hybrid/video conferencing hearings within four weeks. ...Judges have no option but to adapt to technology, moving forward. “The question is not whether a particular judge is tech friendly or not. If you want to be a judge you have to be tech friendly. It's like how a judge cannot say that I don't know what res judicata is...Every judge in the system has to be trained.”*]
2. **Jitendra Kumar Rode v. Union of India**, 2023 SCC OnLine SC 485 [*Court emphasized on the use of technology to preserve court records. “Technology in the present time become increasingly enmeshed with the systems of dispute resolution and adjudication with the trends pointing leading to all the more interplay, both supplementary and complimentary between technology and law,”*]
3. **XXXX v. YYYY and Others**, 2022 SCC OnLine SC 1123, [*the ‘right to be forgotten’ and ‘right of eraser’ being rights of privacy, the name of the petitioner as well as the respondent be removed/masked along with the address, identification details and case numbers to the extent that the same are not visible for search engines.*]
4. **In Re: Children in Street Situations**, 2022 SCC OnLine SC 189 [*Standard Operating Procedure for recording evidence of children through video conferencing to be followed in all criminal trials where child witnesses, not residing near Court Points, are examined and not physically in the courts where the trial is conducted. Remote Point Coordinators to ensure that child-friendly practices are adopted during the examination of the witnesses.*]
5. **In Re. Guidelines for Court Functioning Through Video Conferencing During Covid-19 Pandemic**, (2021) 5 SCC 454 [*The Video Conferencing in every High Court and within the jurisdiction of every High*

*Court shall be conducted according to the Rules for that purpose framed by that High Court. High Courts that have not framed such Rules shall do so having regard to the circumstances prevailing in the State. Till such Rules are framed, the High Courts may adopt the model Video Conferencing Rules provided by the E-Committee, Supreme Court of India to all the Chief Justices of the High Court.]*

6. **Arnab Manoranjan Goswami v. The State of Maharashtra**, (2021) 2 SCC 427 [*The NJDG is a valuable resource for all High Courts to monitor the pendency and disposal of cases, including criminal cases. For Chief Justices of the High Courts, the information which is available is capable of being utilized as a valuable instrument to promote access to justice, particularly in matters concerning liberty. The Chief Justices of every High Court should in their administrative capacities utilize the ICT tools which are placed at their disposal in ensuring that access to justice is democratized and equitably allocated. Administrative judges in charge of districts must also use the facility to engage with the District judiciary and monitor pendency.*]
7. **Pradyuman Bisht v. Union of India**, (2018) 15 SCC 639 [*Directions for installation of CCTV Cameras in court complexes*]
8. **Swapnil Tripathi v. Supreme Court of India**, (2018) 10 SCC 639 [*Directions regarding Livestreaming of court proceedings - virtual access of live court proceedings will effectuate the right of access to justice or right to open justice and public trial, right to know the developments of law and including the right of justice at the doorstep of the litigants., live streaming of court proceedings in the prescribed digital format would be an affirmation of the constitutional rights bestowed upon the public and the litigants in particular. Sensitive cases, matrimonial matters, matters relating to children not to be livestreamed. Discretion of the judge to disallow live-streaming for specific cases where publicity would prejudice the interests of justice.*]
9. **Meters and Instruments (P) Ltd. v. Kanchan Mehta**, (2018) 1 SCC 560 [*It will be open to the High Courts to consider and lay down category of cases where proceedings or part thereof can be conducted online by designated courts or otherwise. The High Courts may also consider issuing any further updated directions for dealing with Section 138 cases in the light of judgments of this Court. The appeals are disposed of. It will be open to the appellants to move the trial court afresh for any further order in the light of this judgment.*]
10. **Al Azhar Medical College & Super Speciality Hospital v. Union of India**, (2018) 10 SCC 567 [*Consideration of use of computer network based technological solution including Artificial Intelligence for the purpose of inspections in medical colleges in dispute. Expert in Information Technology directed to give concrete suggestions.*]
11. **Tata Sky Limited v. National Internet Exchange of India**, 2019 SCC OnLine Del 7931 [*Artificial Intelligence can be suitably employed to, within the parameters defined by law and/or the Courts, prevent repeated infringement and violations, eliminating the need for the grievants to repeatedly approach the Court and/or the dispute redressal mechanism and which may tire the grievants, opening the field for violators/infringers.*]
12. **K. S. Puttaswamy v. Union of India**, (2019) 1 SCC 1 (Aadhaar) [*The mandatory linking of mobile number and Aadhar was held to be invalid. The majority upheld the provisions of the Aadhar Act holding that the law meets the test of proportionality and the requirement to furnish demographic and biometric information of individuals and the collection and storage of such data does not infringe the fundamental right to privacy. The Act was passed as a Money Bill: that was upheld. It was held that the main object of the law was to provide for various subsidies/benefits which involves expenditure, other provisions are incidental and hence covered by Art 110(1)(g)-any matter incidental to any of the matters specified in (a) to (f).*]
13. **Justice K. S. Puttaswamy (Retd.) v. Union of India**, (2017) 10 SCC 1 [*The nine Judge Bench in this case unanimously reaffirmed the right to privacy as a fundamental right under the Constitution of India. The*

*Court held that the right to privacy was integral to freedoms guaranteed across fundamental rights, and was an intrinsic aspect of dignity, autonomy and liberty.]*

14. **State v. Loomis**, 881 N.W.2d 749 (2016), COMPAS is a risk-need assessment tool designed by Northpointe, Inc. to provide decisional support for the Department of Corrections when making placement decisions, managing offenders, and planning treatment. The COMPAS risk assessment is based upon information gathered from the defendant's, criminal file and an interview with the defendant.
15. **Central Electricity Regulatory Commission v. National Hydroelectric Power Corpn. Ltd.**, (2010) 10 SCC 280
  1. In various courts, the statistical data indicates that, on account of delay in process serving, arrears keep on mounting. In Delhi itself, the input indicates that fifty per cent of the arrears in courts particularly in commercial cases is on account of delay in process serving.
  2. For the above reasons, the following directions, as mentioned hereinbelow, are given:
    - i. In addition to normal mode of service, service of notice(s) may be effected by e-mail for which the Advocate(s)-on-Record will, at the time of filing of petition/appeal, furnish to the filing counter a soft copy of the entire petition/appeal in PDF format;
    - ii. The Advocate(s)-on-Record shall also simultaneously submit e-mail addresses of the respondent(s) companies/corporation(s) to the filing counter of the Registry. This will be in addition to the hard copy of the petition/appeal;
    - iii. If the court issues notice, then, in that event alone, the Registry will send such an additional notice at the e-mail addresses of the respondent(s) companies/corporation(s) via e-mail;
    - iv. The Registry will also send notice at the e-mail address of the advocate(s) for respondent(s) companies/corporation(s), who have filed caveat. The Advocate(s)-on-Record filing caveat shall provide his/her e-mail address for effecting service; and
    - v. Within two weeks from today, the Cabinet Secretariat shall also provide centralised e-mail addresses of various Ministries/Departments/Regulatory Authorities along with the names of the Nodal Officers, if already appointed, for the purposes of service
16. **State of Maharashtra and P.C. Singh v. Praful B. Desai**, (2003) 4 SCC 601 [Whether evidence can be recorded by video-conferencing?--Held, "yes"--'Presence' in Section 273 is not actual physical presence--Under Section 3 of Evidence Act, evidence, even in criminal matters, can also be by way of electronic records--This would include video-conferencing--Court can consider issuing commission to record evidence by way of video-conferencing--However, cost of video-conferencing to be borne by State.]
17. **Grid Corpn. of Orissa Ltd. v. AES Corpn.**, (2002) 7 SCC 736 [23. ... When an effective consultation can be achieved by resort to electronic media and remote conferencing it is not necessary that the two persons required to act in consultation with each other must necessarily sit together at one place unless it is the requirement of law or of the ruling contract between the parties.]

#### Additional Readings (Suggestive)

1. National Council of Applied Economic Research, *Information & Communication Technology in the Indian Judiciary: Evaluation of the eCourts Project Phase -II*, (2021)

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Available at:

<https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2021/03/2021031717.pdf>  
, <https://ecommitteesci.gov.in/publication/ncar-evaluation-of-the-ecourts-project-phase-ii/>

2. *Memorandum of Understanding between CSC e-Governance Services India Limited and Department of Justice, Ministry of Law & Justice on Common Service Centers.*
3. *Policy and Action Plan Document Phase II of the eCourts Project*, e-Committee Supreme Court of India. Available at: [https://ecourts.gov.in/ecourts\\_home/static/manuals/PolicyActionPlanDocument-PhaseII-approved-08012014-indexed\\_Sign.pdf](https://ecourts.gov.in/ecourts_home/static/manuals/PolicyActionPlanDocument-PhaseII-approved-08012014-indexed_Sign.pdf)

**Rules**

1. *Model Rules for Video Conferencing for Courts*, e-Committee, Supreme Court of India. <https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2020/08/2020082629.pdf>
2. *Model Rules for Live-streaming and recording of Court Proceedings*, e-Committee, Supreme Court of India. <https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2021/06/2022091599.pdf>
3. *Model Rules for E-Filing - Rules for On-Line Electronic Filing (E-Filing) Framed under Article 225 and 227 of the Constitution of India*, e-Committee, Supreme Court of India.

**Manuals**

1. *E-Filing Procedure for High Courts & District Courts in India*, e-Committee Supreme Court of India.
2. *National Service and Tracking of Electronic Processes (NSTEP)-Android OS APP*, e-Committee Supreme Court of India.
3. *eCourts Digital Payment*, e-Committee Supreme Court of India. <https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2020/08/2020082769.pdf>
4. *E-Filing, from Case Management through CIS 3.0, Case Information system 3.0*, e-Committee, Supreme Court of India.