

High Court of Judicature at Madras
and
Tamil Nadu State Judicial Academy
In association with
National Judicial Academy

South Zone-1 Regional Conference

on

Court Dockets: Explosion and Exclusion [P-1419]

26th and 27th October 2024 at TNSJA Regional Centre, Coimbatore

Programme Report

The National Judicial Academy in association with the Tamil Nadu State Judicial Academy and the Hon'ble High Court of Madras, conducted the *South Zone-1 Regional Conference on Court Dockets: Explosion and Exclusion* on the 27th and 28th of October, 2024 at Tamil Nadu state Judicial Academy, Regional Centre, Coimbatore. This two-day conference brought together delegates from the southern states of Andhra Pradesh, Telangana, Karnataka, Kerala and Tamil Nadu. The efficient functioning of courts is a non-derogable *necessitus* for proper and quality administration of justice. Continual dialogue, communication and exchange of evolving horizons of knowledge and best practices, between judicial hierarchies—the Higher courts and Subordinate Courts—conduces and nurtures quality justice delivery. In line with this objective, the Regional Conference was designed to provide a robust forum for exchange of experiences, communication of knowledge and dissemination of best practices across High Court jurisdictions in Southern India. The two- day regional conference was spread across five technical sessions and witnessed extensive deliberations on various topics of contemporary relevance such as strategies to enhance inclusivity for improving access to justice, promoting efficient and effective justice delivery through Alternative Dispute Resolution (ADR) mechanisms, with particular emphasis on Online Dispute Resolution (ODR). Other significant topics discussed were Judiciary and Media, examining the balance between freedom of the media and judicial independence in the digital age, e- Courts project insights for ensuring access and inclusivity as well as advancing judicial governance through emerging technologies, like Artificial Intelligence (AI) in judicial decision-making and Blockchain technology for

secure record management. The conference aimed to foster dialogue among Hon'ble dignitaries and delegates on these critical themes, guided by the insights of Hon'ble Judges from the Supreme Court and the High Court of Madras.

Inaugural session:

The Conference commenced with the Invocation song "தமிழ்த்தாய் வாழ்த்து" (Tamil Thai Vazhthu), the state anthem. **Hon'ble Mr. Justice C.T.Ravikumar, Judge, Supreme Court of India** and **Hon'ble Mr. Justice M.M.Sundresh, Judge supreme Court of India** inaugurated the conference by lighting the lamp (Traditional Kuthuvilaku), along with **Hon'ble Mr. Justice K.R.Shriram, Chief Justice, High Court of Madras/ Patron-in-chief, Tamil Nadu State Judicial Academy, Hon'ble Mr. Justice Aniruddha Bose, Former Judge, Supreme Court of India and Director of National Judicial Academy and Hon'ble Mr. Justice Amreshwar Pratap Sahi, President of National Consumer Dispute Resolution Commission.**

Welcome Address:

Hon'ble Mr. Justice K.R. Shriram, Chief Justice of the Madras High Court and Patron-in-Chief of the Tamil Nadu State Judicial Academy, delivered the welcome address at the conference. His Lordship highlighted that the crisis in our judicial system was of two-fold: one challenge was the rate at which institution of new suits filed by litigants exceeds the rate at which cases are disposed of by the courts termed 'docket explosion', and the other was 'docket exclusion', where many genuine litigants are kept out of the justice delivery system. His Lordship emphasized that for many citizens, time-bound justice has become a distant goal, a situation both troubling and urgent. His Lordship elaborated on Docket exclusion which occurs when genuine litigants are prevented from accessing the justice system due to a lack of resources or awareness. His Lordship stated that the unfortunate reality is that many people in need of justice are either unaware of their rights or are discouraged from pursuing them. This is a crisis that cannot be overlooked. Further, his Lordship stated that Judges, too, face a dilemma in this overburdened system. It is well known that judges in India are often overworked due to understaffed courts and the sheer volume of cases. They are tasked with the herculean responsibility of providing fair and comprehensive hearings for every litigant.

However, inconsistencies in justice delivery was not a reflection of a lack of competence or dedication within the judiciary; rather, they highlight the need for substantial investment in judicial infrastructure. Lastly, his Lordship stated that the topics chosen for the sessions will focus on addressing these two critical challenges—docket explosion and docket exclusion and urged the participating judges to engage interactively, as each of them would bring unique experience and insights that could help us all to re-evaluate and enhance our thoughts and approaches to these pressing issues.

Introductory Address:

Hon'ble Mr. Justice Aniruddha Bose, former Judge of the Supreme Court of India and Director of the National Judicial Academy, delivered the Introductory Address. His Lordship emphasized that the objective of the conference was to foster dialogue among judges across various states and strengthen the synergy between different levels of the judicial hierarchy through communication and engagement. To achieve this, regional conferences were organized in four zones, with each zone hosting two conferences per academic year. His Lordship highlighted the judiciary's use of ICT tools in addressing the backlog of cases and discussed ongoing efforts to incorporate Artificial Intelligence (AI) in case management to further improve efficiency. His Lordship explained the judiciary's dual approach to justice delivery: on one hand, inviting marginalized and differently-abled individuals to bring their grievances before the judiciary, while on the other, encouraging people to consider Alternative Dispute Resolution (ADR) mechanisms. His lordship stated that Alternative Dispute Resolutions were complementary to traditional court proceedings and it was pertinent to bring all aggrieved individuals within the ambit of the justice delivery system. His Lordship concluded by stating that the conference served as a unique platform for participants to exchange ideas, share perspectives, and offer suggestions to enhance the functioning of the National Judicial Academy.

Special Address:

Hon'ble Mr. Justice C.T. Ravikumar, Judge of the Supreme Court of India and Hon'ble Mr. Justice M.M.Sundresh, Judge supreme Court of India delivered the Special Address for the conference. **Hon'ble Mr. Justice C.T. Ravikumar** began by highlighting that the

conference offered participant judges a valuable opportunity to acquire a wealth of knowledge, as sharing insights enables both personal enrichment and the enrichment of others. His Lordship emphasized that a judge must be a philomath—a lover of learning—because, from the first day on the bench to the day of retirement, each day is a learning process for a judge. His Lordship remarked that the greatest misfortune for a client is ignorance of a judge, emphasizing the importance of sharing experiences as a means of mutual teaching and learning. His Lordship urged everyone to actively participate in discussions, share their insights, and engage with one another. His Lordship further stated that while the increase in case volume, or “docket explosion,” presents challenges, it also signifies the public’s trust in the judiciary. His Lordship concluded by stating that the aim of this conference was to find effective ways to manage this growing caseload while maintaining public confidence in the judiciary.

Thereafter, **Hon’ble Mr. Justice M.M. Sundresh** began by providing an overview of the various topics that the sessions would cover during the conference. His Lordship stated that two essential elements are crucial for the judicial system to flourish, one was uniformity and the other was certainty. His Lordship acknowledged that while addressing issues of uniformity can often be challenging, advancements in artificial intelligence may offer valuable insights, even though there may be limitations in the human element. His Lordship emphasized the importance of exploring how we can effectively utilize AI and other technologies to improve case disposal and overall judicial efficiency. His Lordship expressed appreciation for the diverse session topics, stating that they addressed new and emerging areas, including blockchain technology, which would be particularly relevant for future generations. His Lordship asserted that participant judges would leave the conference equipped with enhanced knowledge across various subjects, enabling them to navigate the evolving landscape of the judicial system more effectively.

Vote of Thanks:

Hon’ble Mr. Justice R. Suresh Kumar, Judge of the High Court of Madras and Member of the Board of Governors of the Tamil Nadu State Judicial Academy, proposed the vote of thanks. His Lordship expressed heartfelt gratitude and optimism, extending sincere thanks to the Hon’ble dignitaries, delegates, and all those who contributed their efforts to make the South Zone-I Regional Conference on "Court Dockets: Explosion and Exclusion" a resounding success. His Lordship conveyed his delight in collaborating with such a talented and dedicated

team in organizing the conference, emphasizing that their collective commitment and hard work were key to achieving its success. His Lordship concluded by emphasizing the importance of continued collaboration and engagement with the National Judicial Academy in organizing conferences that address the challenges within the judicial system. His Lordship stressed that such efforts are vital for fostering dialogue, sharing knowledge, and ultimately enhancing the effectiveness of the judiciary.

The inaugural session concluded with the National anthem and a group photo session.

SESSION 1 - ADDRESSING DOCKET EXCLUSION: ENHANCING INCLUSIVITY AND OPTIMIZING COURT MANAGEMENT

Speakers: Justice M.M. Sundresh and Justice M. Sundar

The **first speaker** of the session, **Hon'ble Mr. Justice M. Sundar, Judge, Madras High Court and Member, Board of Governors** addressed the gathering on "Addressing Docket Exclusion: Enhancing Inclusivity and Optimizing Court Management." His Lordship referred to an unstarred question raised in the Lok Sabha on February 9, 2024, concerning the number of judges per million of the population state-wise, the ratio suggested by the Supreme Court, and steps proposed by the government to meet the court's directives, including required funding.

His Lordship detailed that the current judge-population ratio stands at approximately 21 judges per million, calculated using the 2011 Census population data (1,210.19 million) and the sanctioned judicial strength as of 2023. His Lordship clarified that the state-wise ratios are not centrally maintained. In cases such as *Imtiyaz Ahmed v. State of UP* (2017) and *All India Judges' Assn. v. Union of India* (2022), the Supreme Court had recommended a target of 50 judges per million. His Lordship also referenced similar observations from the cases *P. Ramachandra Rao v. State of Karnataka* (2002) and *Brij Mohal Lal v. Union of India* (2002). His Lordship provided updates on judicial strength, noting that the sanctioned strength in the Supreme Court increased from 31 in 2014 to 34 in 2023, with no current vacancies. His Lordship elaborated that the High Court sanctioned strength rose from 906 in 2014 to 1,114 as

of December 2023, creating 208 new posts since 2014, with 968 High Court judges appointed, averaging 103 judges annually. In district judiciaries, sanctioned strength has increased from 19,518 in 2014 to 25,439 in 2023, with the working strength rising from 15,115 to 20,011. Proposing solutions to the docket explosion, His Lordship suggested that while the judge-population ratio is significant, it may not provide an accurate index. His Lordship recommended three indices: an enhanced "cases-per-judge" index to improve reliability and a "cases-per-judge" index combined with the Case Weight System (CWS) for a dependable assessment of judicial efficiency.

His Lordship emphasized the critical need to adopt multi-faceted indices to better manage docket volume and judicial efficiency, urging an increase in judicial appointments aligned with Supreme Court recommendations and an expansion of the Case Weight System for an accurate assessment of workloads. His Lordship presented an illustrating video on a new e-Service Kendra established in Yercaud. This low-cost facility is designed to assist villagers by providing easy access to court-related information, a service which previously required them to travel long distances. The e-Service Kendra now allows these rural citizens, who might otherwise lose a day's wage, to obtain timely information with minimal disruption. This initiative marks a significant step forward in promoting inclusivity and accessibility, emphasizing the judiciary's commitment to intersectionality and support for underserved communities.

The **second speaker** of the session was **Hon'ble Mr. Justice M.M. Sundresh, Judge, Supreme Court of India**. His Lordship began with an engaging anecdote, underlining the importance of public trust in the judicial institution. Highlighting the immense backlog in the Indian judiciary, His Lordship cited that around 5.5 crore cases are currently pending, with approximately 4.5 crore of these pending in subordinate courts. His Lordship urged the participant judges to address this pressing issue, noting that 70% of pending cases involve criminal matters, 25% are civil, and the remaining 5% pertain to constitutional issues.

His Lordship provided an insightful analysis of the factors contributing to this backlog. For constitutional matters, His Lordship identified improper governance as a primary cause, while civil cases often face delays due to inadequate research and procedural facilitation. For criminal matters, His Lordship noted cultural challenges, such as those observed in cases under the POCSO Act, which sometimes reflect the prevalence of child marriages in certain tribal

communities. His Lordship advocated for a data-driven approach by the National Judicial Academy, recommending the collection and categorization of case data to better understand and address these unique challenges.

Furthermore, His Lordship encouraged the participant judges to establish clear parameters and protocols for compensation in particular types of cases, which could potentially reduce the backlog by as much as 60-70%. His Lordship also called for a more adaptable judicial function that considers intersectionality, ensuring that the judiciary serves all communities effectively. The session concluded with an interactive discussion. The participant judges raised significant concerns, such as the impact of the judicial shortage, which places a strain on existing judges who often work in shifts. Judges are tasked with both judicial and administrative responsibilities, which further added to their workload. The speakers, along with representatives from the National Judicial Academy, shared additional suggestions aimed at alleviating these challenges, emphasizing the importance of support mechanisms to improve judicial efficiency and ensure the judicial institution remains trusted by the public.

SESSION 2 - EXPEDITIOUS DISPOSAL AND EFFICACIOUS JUSTICE DISPENSATION THROUGH ADR MECHANISMS

Speakers: Justice C.T. Ravikumar and Justice M. Sundar

Hon'ble Mr. Justice C.T. Ravikumar, Judge of the Supreme Court of India, began the session by stating that recognizing the reality of the judicial system is a virtue. He emphasized that to effectively reduce the substantial backlog of cases, it is vital to increase the number of judges in the judiciary and invest in judicial infrastructure. His Lordship cited the case of *Khartar Singh vs. State of Punjab* [1994 SCC (3) 569], where the concept of a speedy trial was established as an essential part of the fundamental right under Article 21 of the Indian Constitution and so every judge has an obligation to expedite cases pending trial in cooperation with all stakeholders, including investigation officers. Furthermore, his Lordship referenced to Section 89 of the Civil Procedure Code and questioned the participant judges whether this provision has been adequately followed to yield the desired result. His Lordship emphasised the importance of Court - annexed Alternate Dispute Resolution (ADR) and its relevance was

given by Hon'ble Mr. Justice R.V Raveendran who observed that courts without mediation centres are like hospital without outpatient clinics and physicians. Courts should have mediation centres to settle cases which does not require trial and adjudication so that courts can concentrate on those cases which requires adjudication. His Lordship stated that mediation centres should act as clinics and operation should be done in courts. Further, his Lordship stressed that certain observations made by judges could encourage parties to settle their matters amicably. His Lordship highlighted that judges too have a crucial role to play in facilitating mutually beneficial and peaceful resolutions to disputes, thereby contributing to a more efficient judicial process. Further, his Lordship explained that although Online Dispute Resolution (ODR) could be highly beneficial for the settlement of disputes, it also poses significant challenges, such as inadequate technological infrastructure, lower literacy levels, and potential network connectivity issues in rural areas. His Lordship concluded by stressing the importance of proper training for mediators. His Lordship emphasized that mediators should not behave as adjudicators, as any loss of faith in the mediator would defeat the very purpose of mediation in reaching a settlement. His Lordship concluded by stating that mediators should avoid making observations or posing questions that could create suspicion in the minds of the parties. Additionally, judges play a crucial role before referring a matter to mediation; if a judge's observations lead one party to believe they have a strong chance of winning, it may hinder the possibility of achieving a settlement through mediation.

Thereafter, **Hon'ble Justice M. Sundar, Judge of the High Court of Madras and Member of the Board of Governors of the Tamil Nadu State Judicial Academy** commenced his discussion by stating that Alternate dispute resolution is a linguistic problem and should be termed as "Integrated Dispute Resolution Mechanisms" as described by Sir Geoffrey Vos, head of the civil justice system of England and Wales. His Lordship highlighted that mediation has become an integral part of the Judicial system as it has made mandatory even before the institution of suit vide section 12A of Commercial Courts Act, 2015. His Lordship then went on to explain the significance of Online Dispute Resolution (ODR), identifying three primarily challenges it faces: operational, structural and behavioural. Operationally, complete digitization of documents poses a challenge, structurally, to what extent the courts would be able to support this Online dispute Resolution and behaviourally, is the mental block or resistance towards adopting it. Additionally, his lordship stated that Mediation Act, 2023 was only a conditional legislation and was notified on 15.09.2023 consisting of 65 sections in 11 Chapters and 10 Schedules. Out of those 65 sections, only 21 Sections had come into force as

on date. Lastly, his Lordship concluded that as on date, under section 12A (5) of the commercial Courts Act, 2015 if the parties reach a settlement, it is granted the status of an award under the Arbitration and Conciliation Act. However, once Section 64 of the Mediation Act, 2023, comes into force, such settlements will no longer be considered awards under the Arbitration Act. Instead, they will be enforceable as settlements under the Mediation Act, 2023 with only three grounds available for setting aside the settlement: fraud, misrepresentation, and impersonation. This means that such settlements will attain finality, providing greater certainty for the litigants involved.

Additionally, **Hon'ble Mr. Justice Amreshwar Pratap Sahi, President of the National Consumer Dispute Resolution Commission**, stated that ADR should not be termed as "Alternate Dispute Resolution" but as "Appropriate Dispute Resolution." When integrated effectively, ADR becomes a more appropriate for resolving various disputes; however, the real challenge lies in its practical implementation. Further, his Lordship emphasized that the shortage of trained mediators plays a significant role in hindering effective settlements. His Lordship stated that mediation should strive to create a win-win situation; otherwise, if mediation fails, the parties are likely to seek recourse in appellate courts. This can prolong the litigation process and may result in a one-sided victory, which ultimately does not serve the best interests of the litigants.

A participating district judge raised concerns about the lack of adequate infrastructure in district courts, which hinders the effective facilitation of mediation. Moreover, there was also an ongoing issue regarding who is responsible for paying the remuneration of mediators, with mediator honorariums often pending payment from the State Government which needs to be addressed. Justice C.T. Ravikumar acknowledged that inadequate infrastructure at District courts can compromise confidentiality, as litigants should be assured that their cases are heard privately and not overheard by others. His lordship emphasized that infrastructure development was essential for successful settlement of disputes. Hon'ble Mr. Justice A. Muhamed Mustaque, who served as a mediator before his appointment as a judge of the Kerala High Court added that the rapport established during in-person mediation sessions cannot be replicated in Online Dispute Resolution (ODR). While ODR may be suitable for motor accident claims and commercial disputes, it is not as effective for emotionally sensitive cases, which require a physical setting to be resolved appropriately. The session concluded with an

interactive discussion with the participant judges who shared their perspectives on the session topic.

SESSION 3 - JUDICIARY AND MEDIA

Speakers: **Justice C.T. Ravikumar** and **Justice A. P. Sahi**

The **first speaker** for the session was **Hon'ble Mr. Justice C.T. Ravikumar, Judge, Supreme Court of India**. His Lordship initiated the discussion by addressing the challenges faced by the District Judiciary, particularly in handling Trials. His Lordship emphasized that, while the freedom of speech, expression, and the press are indeed precious rights, they are not absolute, much like other fundamental rights. His Lordship expressed that dissenting views in judgments often attract criticism, yet it is essential for everyone to recognize that the right to dissent is *sine qua non*—an indispensable component of the judiciary.

Following Justice C. T. Ravikumar, **Hon'ble Mr. Justice A.P. Sahi, President of the National Consumer Dispute Resolution Commission**, took the stage. His Lordship began by pointing out that judges often become victims of media scrutiny, enduring unwarranted criticism and, at times, unfair attacks. His Lordship acknowledged the media's role as the fourth pillar of democracy and its importance in keeping the public informed. However, His Lordship cautioned that this role does not grant the media the right to spread misinformation. His Lordship posed two fundamental questions: *Should sub-judice matters be prejudiced by external opinions?* and *Should there be boundaries governing media coverage of judicial affairs?* His Lordship firmly answered both, advocating for clear boundaries and underlining that while there is no inherent conflict between the judiciary and the media, both institutions share a common objective—to serve society's best interests.

His Lordship noted the troubling tendency of certain media outlets to self-declare reliability and confidentiality without adequate basis, which can distort public perception. His Lordship cited the *R.G. Kar Hospital* case as an example of media interference in judicial processes. While expressing respect for the media, His Lordship remarked that it is the proliferation of false news that poses a significant challenge. His Lordship also touched on the *Right to be forgotten*, urging the media to act responsibly and prioritize confidentiality over sensationalism when reporting on sensitive matters.

The discussion covered *in-camera proceedings*, stressing that while the public has a right to be informed, it is the judiciary's prerogative to determine what information should be disclosed. His Lordship further highlighted that Article 19 of the Constitution guarantees freedom of speech but not the freedom to misinform or circumvent lawful regulations. His Lordship expressed concern that the rapid spread of rumors, fueled by new-age media, often eclipses verified news. He illustrated this with the case of *Prem Chand (Paniwala) vs Union of India* [AIR 1981 SC 613], where a "pocket witness" fabricated by the police was presented in multiple cases.

Once the deliberation concluded, the session transitioned into an interactive discussion. Various participants expressed their perspectives. One of the participant judges, during the interactions, shared that he had removed all forms of media from his life due to pervasive misinformation, while another remarked that some judges intentionally seek media coverage to sensationalize matters, which has become problematic. Justice C.T. Ravikumar agreed, noting the disparity that arises when journalists present vivid, often speculative details that may clash with the evidence-based decisions made in court, placing trial judges under intense scrutiny.

A judge inquired whether setting guidelines by the Supreme Court could address these issues, and the speakers referenced *Sahara India Real Estate Corp. Ltd. & Ors. vs. Securities & Exch. Board Of India & Anr.* [AIR 2012 SC 3829] to show that irresponsible journalism has indeed been subjected to judicial action. Hon'ble Mr. Justice M. Sundar contributed further thoughts, and Justice A. P. Sahi raised a pivotal question on whether the judiciary should engage with the media directly, citing the *Bangalore Principles* as a reminder for judicial prudence in communication.

The landmark case *Kesavananda Bharati v. State of Kerala* was briefly discussed, with reflections on its paper-thin majority (7:6) and its continued influence on judicial precedents. Another referenced case was *Romesh Thappar vs. State of Madras (1950)*, highlighting the enduring debate on balancing freedom of expression with judicial decorum. Addressing concerns raised by trial judges about media interference, Justice C. T. Ravikumar emphasized the potential risks to fair trials, citing instances such as the publication of Bhagat Singh's diaries without consent, which incited riots, and how premature publication of suspect images hampers identification parades, emphasizing the need for stricter media regulations.

The session concluded with participants reaffirming the value of media as a democratic institution while collectively calling for ethical reporting practices that respect judicial processes.

SESSION 4 – BRIDGING THE DIGITAL DIVIDE: ROLE OF E-SERVICES

The fourth session of the conference on the topic “Bridging the Digital Divide: Role of e-Services” featured an engaging discussion led by Hon’ble Justice A.Muhammed Mustaque, Judge, Kerala High Court, and Hon’ble Justice Anita Sumanth, Judge, Madras High Court. This session examined the effects of technological disparities on the judiciary and explored practical measures to create a more accessible justice system.

Justice Anita Sumanth began the session by defining the digital divide as a complex issue impacting individuals across various socioeconomic and demographic backgrounds. Her Lordship explained that the divide goes beyond mere access to technology, encompassing distinctions among groups, such as digital natives versus digital immigrants, the digitally affluent versus the less privileged, and those with digital skills versus those without. Her Lordship noted that these distinctions intersect and often deepen inequalities in accessing digital justice solutions. While younger judicial appointees may be more proficient with digital tools, Her Lordship emphasized that senior members bring valuable perspectives that have shaped the judiciary’s technological path, underscoring that the gap in digital skills is not merely generational but also contextual within the legal framework. Her Lordship outlined several initiatives currently in place to bridge the digital divide and discussed areas for expansion. Her Lordship highlighted Tamil Nadu’s hybrid video conferencing model, mandatory since February 2024, as a significant step toward enhancing access and efficiency. This model enables remote participation in hearings, allowing litigants, lawyers, and judges to engage with the judiciary regardless of geographical constraints. Her Lordship also shared data from recent E-filing statistics, showing a notable rise in digital submissions. While this shift reflects growing confidence in digital platforms, Her Lordship emphasized that infrastructural challenges, especially in rural and underserved regions, still limit E-filing’s effectiveness. E-filing was also discussed as a transformative step, with Her Lordship referring to Karnataka’s successful adoption rates. To expand digital access, Her Lordship proposed utilizing local post offices and town panchayat offices as e-Seva Kendras, enabling people in remote areas to access digital filing services. These centers could offer technical support and necessary digital resources, helping bridge the gap for the digitally underserved. Additionally, Her Lordship

highlighted the Supreme Court's "War Room," a strategic, real-time data hub inspired by military operations, which provides dynamic case data on pendency and helps identify bottlenecks in justice delivery.

Justice Muhamed Mustaque contributed insights into restructuring digital solutions within the judiciary. His Lordship emphasized that digitalization should transcend mere replication of physical processes, instead fostering transformative approaches to judicial administration. Distinguishing between digitization (converting physical records to digital formats) and digitalization (re-engineering processes with digital tools), His Lordship highlighted that the judiciary should focus on digitalization, transforming judicial operations to enhance accessibility, efficiency, and transparency. His Lordship outlined three guiding principles for this transformation such as justice as empowerment, reducing human intervention, and optimizing resources. By minimizing human intervention in specific procedural areas, digital systems can help reduce bias, promoting greater transparency and consistency. His Lordship noted that digitalization is reshaping entire judicial processes, impacting stakeholders on an unprecedented scale. However, the challenge lies in integrating digital processes within a historically paper-based judicial framework. His Lordship highlighted the development of the Supreme Court Vidhik Anuvaad Software (SUVAS) for translation and the Supreme Court Portal for Assistance in Court Efficiency (SUPACE), which uses AI to assist judges in organizing case data. These tools reflect the judiciary's commitment to advanced technology for improved efficiency and accessibility.

His lordship highlighted and explained that the Kerala post office has implemented an innovative system for the electronic transmission of legal documents. His Lordship noted that this system allows users to submit all necessary materials with just a click of a button. The post office then downloads, packages, and delivers these documents efficiently. This streamlined process ensures that notices are served within 24 hours, and users can conveniently track the status on a dedicated dashboard. His Lordship suggested that all participants take advantage of this efficient service.

His Lordship also emphasized the potential of decentralized, blockchain-based case tracking systems. These systems could streamline the judicial process by providing secure case information, reducing in-person court visits, and facilitating remote case management.

Blockchain's tamper-proof records would ensure data integrity, essential for maintaining trust in the judicial process.

The session concluded with an interactive discussion. A senior judicial officer highlighted digital accessibility challenges in rural areas and emphasized the need for digital literacy training among litigants and court staff through the e-Courts project. Justice Anita Sumanth supported this, stressing the importance of frequent training programs and partnerships with educational institutions to improve digital skills in local languages. Participants expressed concerns about inadequate e-filing infrastructure and suggested mobile legal aid centers with satellite internet as a temporary solution. Justice Muhamed Mustaque shared a successful Kerala initiative using mobile setups for legal access in remote areas. The discussion also explored using community spaces as temporary e-service centers while ensuring privacy and data security. Participants proposed cross-state initiatives for sharing successful digital practices. The session underscored the judiciary's commitment to innovation and collaboration in achieving a digitally inclusive judicial system.

SESSION 5 – ADVANCING JUDICIAL GOVERNANCE THROUGH EMERGING AND FUTURE TECHNOLOGIES

The fifth session of the conference focused on the theme "Advancing Judicial Governance Through Emerging and Future Technologies." Esteemed speakers Hon'ble Mr. Justice A. Muhamed Mustaque, Judge, High Court of Kerala, and Hon'ble Mr. Justice M. Sundar, Judge, Madras High Court, shared their valuable insights into the technological advancements impacting judicial systems.

Justice M. Sundar began by examining the concept of Artificial Intelligence (AI) and its operational mechanisms. His Lordship noted that while computers can perform tasks that mimic human intelligence, they do not possess genuine cognitive abilities. AI relies on algorithms and large datasets to process information and identify patterns. His Lordship highlighted three key points about AI. First, Nick Bostrom, a philosopher at the University of Oxford, theorizes that AI may be the last invention made by humans, as machines will begin to learn and invent independently. Secondly, the Lewis case from the Supreme Court of Wisconsin, USA, raised concerns about using AI tools in sentencing. The case involved a man named Lewis, who argued that his due process rights were violated because the court used a

recidivism tool called COMPAS to determine his sentence without disclosing the methodology used. While the court ultimately upheld Lewis's sentence, they acknowledged the need for caution in using AI tools, stating, "Consider, but don't rely." Thirdly, His Lordship presented a list of 14 recent advances in AI technology, including automated transcription services, sentencing and bail decision support, predictive policing, legal chatbots, and tools for legal research, case management, and predictive analytics. His Lordship expressed caution regarding the use of AI for judicial decision-making, offering five caveats: first, consider but do not rely on AI tools; second, use them for information gathering and efficiency, but do not rely solely on them for decision-making; third, aim for "cyborg judges," not "robo-judges," meaning that humans should always be involved and retain ultimate decision-making authority; fourth, AI could lead to stagnation in jurisprudential development as it relies on existing patterns and data, potentially hindering the evolution of legal principles and dissenting opinions; and fifth, machines may begin inventing independently, which could stifle human innovation and progress. His Lordship concluded by quoting Geoffrey Vos, the Master of the Rolls in England, who acknowledged the transformative power of AI and emphasized that it is here to stay.

Justice A. Muhamed Mushtaq began his segment by discussing the potential challenges of AI in judicial decision-making. His Lordship raised concerns regarding accountability and bias in AI systems. Using the example of robotic surgery, His Lordship posed questions about liability in cases where AI systems make errors, especially considering the proprietary nature of many AI programs and the difficulty of establishing negligence in such cases. His Lordship urged the esteemed guests to consider how existing legal principles, such as the duty of care, can be applied to AI systems that lack human consciousness and understanding. His Lordship further emphasized the need to redefine jurisprudence to address the emerging challenges posed by AI and digital technologies, citing examples such as crimes committed in the metaverse and the use of AI-generated deepfakes. His Lordship stressed that traditional legal frameworks may not be adequate for these evolving situations and called for new norms and principles to guide decision-making.

His Lordship then shifted his focus to the use of AI in judicial governance, emphasizing that digitization is a crucial first step towards integrating AI in governance, as it provides the necessary data infrastructure. His Lordship also highlighted the importance of generating new ideas to leverage AI effectively in judicial governance, moving beyond merely replicating existing practices in a digital format. His Lordship used the example of smart contracts to

illustrate how AI can automate and streamline legal processes. His Lordship shared his experience leading a committee to improve the digital court system in Kerala.

His Lordship practically demonstrated an AI tool capable of summarizing legal judgments, showcasing the potential of AI to enhance efficiency and comprehension in legal processes. His Lordship provided updates on initiatives in Kerala, including the establishment of digital courts for handling appeals and revisions, as well as efforts to achieve an even distribution of work among courts statewide. Finally, His Lordship discussed the MCMS report, which he finalized. The report proposes a framework for using AI to improve judicial governance in three key areas namely national perspective, court perspective, and judge perspective. His Lordship concluded by highlighting the potential of blockchain technology to ensure data integrity and streamline court processes. Following the presentations, a brief interaction session ensued, addressing issues of privacy, algorithmic bias, challenges for implementing AI in the judiciary, and the evolving nature of technology. The session concluded with thought-provoking discussions.

CONCLUDING REMARKS

Justice Aniruddha Bose and Justice M. Sundar concluded the conference with heartfelt thanks to the Chief Justice of the Madras High Court, judges from various High Courts, the Director of the Tamil Nadu State Judicial Academy and her team, as well as the participating judicial officers for their invaluable contributions to the conference's success. His lordship emphasized that the insights and suggestions provided by both the participants and the esteemed speakers would be carefully considered, aiming to enhance the judiciary's functioning and efficiency. Justice M. Sundar in his remarks, expressed gratitude towards the State Judicial Academy, the Madras High Court, and the National Judicial Academy for their roles in organizing this significant event. His lordship acknowledged the Tamil Nadu Government's support and commended the efforts of the State Judicial Academy team, Coimbatore District Judiciary, and High Court Registry. His Lordship recognized the contributions of all involved, including Directors, judges, staff, drivers, and sanitary workers. His Lordship commended the District Administration's assistance with logistics and applauded the teamwork and coordination evident throughout the event. He concluded by thanking all dignitaries and participating judicial officers, wishing them a safe journey. Concluding his remarks, His Lordship thanked

all the Hon'ble Dignitaries and the participating judicial officers and wished them a safe journey.

The conference concluded with a standing ovation, celebrating its success.