

Workshop for High Court Justices on Information & Communication Technology

10th November, 2024

Session 1: Digital Transformation in Indian Judicial System: Enhancing Efficiency, Access, and Usability

Speakers: Justice Suraj Govindaraj and Justice Sanjeev Kalgaonkar

The workshop commenced by focusing on the paradigm shift brought about by digital innovation within the Indian judiciary. Participants engaged in a reflective examination of the remarkable advancements achieved through the e-Courts initiative, alongside the substantial enhancement of the Information and Communication Technology (ICT) infrastructure. The discourse highlighted the profound implications of technology in fostering efficiency, spanning from the mechanisms of electronic filing to the breakthroughs in video conferencing and the inception of virtual courtrooms, which have jointly transformed access and usability for all entities engaged in the justice delivery system. Judges brainstormed their perspectives regarding the numerous administrative benefits conferred by digital instruments in organizing court calendars, monitoring case backlogs, and enabling seamless, real-time data retrieval. The discourse thereafter delved into the intricate challenges associated with the consistent application of these sophisticated systems across diverse jurisdictions. The urgent necessity for comprehensive capacity-building efforts, the elevation of digital literacy among court participants, and the promotion of ongoing collaborative training programs within judicial academies and administrative bodies was highlighted. It was underscored that technology, when implemented inclusively and equitably, possesses the potential to act as a formidable equalizer within the justice framework. Such a transformation is notably poised to enhance genuine access for remote and marginalized communities, ensuring that every individual can meaningfully engage in the judicial process.

Session 2: Creative Expression, Censorship, and ICT in the Justice System: Navigating the Intersection

Speakers: Justice Suraj Govindaraj and Mr. Tigmanshu Dhulia

This session delved into the complexly layered and exhaustive examination of the multifaceted relationship between individual autonomy and regulatory frameworks amid the swift transformations characteristic of the present digital milieu. Participants engaged in a thorough analysis of the mechanisms through which artistic expressions, particularly those increased through online mediums can deeply influence societal narratives and concurrently wield substantial pressure on the adjudicatory processes. Real-time illustrations were discussed to vividly demonstrate how such creative outputs, irrespective of their fictional or artistic core, wield significant influence over public sentiment and establish legal expectations. The discussion encompassed the intricate jurisdictional dilemmas inherent in overseeing digital content, especially in situations where platforms operate beyond national borders, often rendering local legislation somewhat ineffective. Notable cases, such as the implications

surrounding the TikTok prohibition, served as critical touchstones to illuminate the enforcement dilemmas that emerge when national ethos opposes the active paradigms of global entities. The discussion also focused on sensitive social issues like blasphemy and political representation. The session highlighted how creators are increasingly censoring themselves to avoid possible legal, political or social backlash. Examples such as the movie *Padmaavat* and series like *Sacred Games* emerged as significant instances where artistic integrity was bargained under prevalent societal constraints, thereby emphasising the expansive effects of these undercurrents. The session further addressed how stereotypes and representative communities are portrayed within mainstream culture, with notable references to cinematic works like *Gully Boy*, which ignited both acclaim and dissent across diverse societal strata. The discussion raised important questions about how the judiciary should protect artistic freedom while being sensitive to cultural issues. The session further emphasised how Over-the-top (OTT) platforms have major control over what content people see, strongly influencing public opinion and conversations. The session emphasised the crucial role of the judiciary in supporting aspirations of the creators for expressive freedom, while also responsibly defining fair, just and constitutionally sound limits to safeguard societal harmony. Judges were encouraged to find a balanced approach between artistic freedom and social order, guided by the Constitution and the changing global digital eco-system.

Session 3: Artificial Intelligence (AI) and its Implications as Courtroom Technology

Speakers: Justice C M Joshi and Justice Sanjeev Kalgaonkar

The session emphasised upon the paramount significance of Artificial Intelligence (AI) within the judicial framework. Participants engaged in a meticulous examination of the international evolution of AI technologies, scrutinizing their pragmatic implementations across diverse courtroom environments. The discourse spanned an array of applications, including automated transcription systems, predictive analytics, and AI-enhanced legal research each promising to substantially augment judicial efficiency and refine decision-making methodologies. On the contrary, the discourse articulated a spectrum of apprehensions concerning pivotal matters such as data security, privacy vulnerabilities, and the peril of algorithmic bias. Participants underscored the potential for decisions rooted in flawed or prejudiced data to inadvertently amplify existing disparities within the judicial apparatus. The session perceptively recognised, the challenges aligned to the adoption of such technologies as well as the necessity for an unwavering commitment to accountability and transparency in their deployment. A salient point of consideration emerged regarding the intrinsic hazards associated with an overreliance on AI in domains where human judgment, empathy, and discernment are indispensable to the judicial process. It was highlighted that the fundamental obligation of the judiciary is to ensure the ethical utilization of these sophisticated tools, particularly in light of the frequently opaque characteristics of numerous AI algorithms, which could yield unforeseen repercussions if not thoroughly overseen. The session accentuated the urgent imperative for the establishment of coherent regulatory frameworks and comprehensive ethical guidelines tailored for the successful integration of AI into judicial practice. A shared acknowledgment among participants emerged, recognizing that judicial governance structures must evolve in tandem with the swift pace of technological progress. This evolution is not only crucial for harnessing the efficiencies that AI presents but also for steadfastly upholding the essential principles that are vital for delivering justice and preserving the integrity of the judicial system.