NATIONAL JUDICIAL ACADEMY

PROGRAM REPORT

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WORKSHOP FOR HIGH COURT JUSTICES ON INFORMATION & COMMUNICATION TECHNOLOGY

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Workshop for High Court Justices on Information & Communication Technology [P-1427]
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The National Judicial Academy (NJA) organized a full day Workshop for High Court Justices on 08th of December, 2024 on the seminal domain of Information & Communication Technology (ICT). The program aimed to enhance core judicial skills of the High Court Justices in ICT. The workshop was divided into three sessions, each covering a core area including Digital Transformation in Indian Judicial System, Challenges Posed by ICT and Digitization, and Artificial Intelligence (AI) and its Implications in Courtrooms. The workshop saw attendance from 14 High Courts of India, with a represented participation of 17 Justices. A brief overview of the important takeaways from the workshop is reported hereunder.

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

Speaker: Dr. Justice Pushpendra Singh Bhati

The session initiated with the common disposition of the functioning of the court system in India, wherein the stakeholders (especially the judges) are so used to hard-copies of documents, and physicality of presence, that touching the papers (files, notes etc.), and hearing to an argument with the presence of a human being has become a part of life. Therefore, digressions, changes, and adoption of digital options poses a natural resistance. The journey to attain digital transformation in the judicial system was systematically traced. The first milestone to the same is "digitization" – A process by which analogue information gets converted into Bits and Bytes "digital form", generally seen as myriad binary combinations of "0s" and "1s". Once the hard and physical record is digitized, "Digitalization" can be rolled-out as a second milestone. At this stage a procedural restructuring of entire system and process is involved in a particular setup or organization, into "digital form", ousting the analogue versions. After attaining the second stage of "Digitalization", the final destination to achieve "Digital Transformation" i.e. transforming the culture of living and working while empowering people to deal with the changes is attainable. Therefore, "Digitalization" includes digitization, automation, virtualization, simulation, resulting into "Digital Transformation". A brief account of the e-court project was given. The objective of ICT in the judicial system was summarized under three major heads: to increase "transparency"; to cut or reduce "delay"; and to comply with the RTI requirements. To achieve the above, the infrastructure required could be enumerated as: 1. Development of National Judicial Data Grid (NJDG); 2. Development of the Case Information Software (CIS); 3. Develop electronic case management tools *viz.* Mobile Apps; 4. Develop "Virtual Courts"; 5. Ensure electronic delivery of court processes; 6. Enable "Video Conferencing"; 7. Developing platforms for electronic filing & electronic fee payment platforms; and 8. Having a dedicated E-Committee which runs and controls E-Court Projects. It was underscored that the ICT implementation strategy of the judiciary is to "Develop E-Confidence in the System". And to achieve the same there needs to be 1. E-Confident Leader (High Courts and the Supreme Court); 2. E-Confident Staff; and 3. E-Confident Lawyers and Litigants. The implementation of the cutting age technology in the judicial system was discussed. The AI based tool SUVAS for translation from English to vernacular language was discussed. It was also highlighted that, neutral citation of judgments for ease of access, retrieval and authentic source has been implemented. The introduction of SUPACE on April 6, 2021 by the Supreme Court was discussed. It was said that initially SUPACE would be used as a pilot project in the Criminal case by the high Courts of Delhi and Bombay. Discussing the features of SUPACE an AI based assistance tool, it was underscored that the same is to help judges in a variety of ways, including: Case file conversion (Converting case files, which are usually PDFs, into text); Chatbot (A text and voice-enabled chatbot that provides a quick overview of

a case); Fact extraction (An AI system that provides information about a case, such as its chronology, overview, and judgment); Word processor (An integrated word processor that makes SUPACE an end-to-end system). Other applications such as FASTER (Fast And Secured Transmission of Electronic Records) it is used to streamline the delivery of court orders, ensuring timely execution of bail orders and other judicial decisions. Another ICT base progression is the introduction of TWARIT application. TWARIT (Transmission of Warrants and Summons and their Report by Information Technology) which operates as an integration of CIS and CCTNS at the ICJS implementation level. Introduction of VPN to ensure secured and private access to court and documents was been discussed. It was explained that the Crime and Criminal Tracking Network and Systems (CCTNS) project, was started in 2009, with a total approved outlay of Rs. 2000 Crore. The scope of the CCTNS project has been further enhanced to integrate the Police data with other pillars of the criminal justice system namely-Courts, Prisons, Prosecution, Forensics and Finger Prints and accordingly a new system-"Integrated Criminal Justice System (ICJS)" has been developed. The Inter-operable Criminal Justice System (ICJS) is an initiative of the e-Committee to enable seamless transfer of data and information among different pillars of the criminal justice system, like courts, police, jails and forensic science laboratories, from one platform. A brief overview and the functioning of the NSTEP (National Service and Tracking of Electronic Processes) with its impact and role on enabling judicial dispensations was discussed. To improve access to justice it was highlighted that 22 virtual courts in 18 States, to deal with mundane traffic challan cases was exemplified amongst the many other initiatives as discussed above. SMS "Push" and "Pull" facility was explained. Case status is being sent automatically to registered Advocates and litigants through SMS by the CIS 3.2 software using "SMS Push" facility, whereas in "SMS Pull", litigants who do not have internet connectivity, case details can be obtained through "SMS Pull" application by sending unique CNR number (Case Number Record) to 9766899899 through SMS. The format of the SMS is E-Courts to 9766899899. The case details will be automatically sent as a reply SMS to the user mobile.

Session 2 – Challenges Posed by ICT and Digitization
Speaker: Justice Anoop Chitkara; and Prof. Anant Prabhu G.

At the outset, a note on how digitization can provide, effective, timely, predictable outcomes, without prejudice to anyone alike was explained. However, it was underscored that, the great equalizer comes with certain limitations. It was said that technology is a double edged sword, it cuts both ways without prejudice. It is a "genie" which carries out the command. The execution, is squarely dependent on the command given. The quality of the command, the person giving the command, the impact of such execution depends on who gives the command, what is his/her purpose, and what is his/her capability/authority to give such command. Therefore, regulating the unruly nature of technology becomes an important aspect in governance and impact assessment. One such common example in the form of challenge can be seen in the form of challenges posed by conflicting constitutional rights *viz.* "Right to Information", "Open Court System", etc. on one side and "Right to Privacy", "Right to Security", etc. on the other opposite end of the spectrum. Yet another form of challenge could be seen when the legitimacy of a "crypto currency" struggles to achieve authenticity in one country as against another. Moreover, it becomes even more nebulous, when a profit from crypto transaction may be considered as an income, and therefore made liable for charging income tax, but the same crypto currency may not be recognized as a legal virtual tender. Any capital gain from the sale of Crypto is taxable. Finance Act 2022 has introduced Section 194S - TDS on "Virtual Digital Asset" (VDA), Which enables the income tax department to track all the crypto purchased and sold in India. The Supreme Court of India in *Internet and Mobile*

Association of India v. Reserve Bank of India, (2020) 10 SCC 274, striking down the RBI's circular prohibiting banks from facilitating crypto currency transactions, held that it cannot be considered illegal. It is only to the extent not a "legal tender". It was discussed as to whether the Digital Personal Data Protection Act, 2023 (DPDP Act) should consider the personal data stored by the "Virtual Currency Exchanges" (VCEs) which enable the operation of crypto transactions. Discussing further on the novel challenges posed by ICT and digitization, issues relating to "dark web", "deep web"; online defamation; national and international security challenges; institutional challenges etc. were discussed with operative examples. To achieve such ends, automation of the mundane tasks; enhancing judicial efficient and transparency; and providing effective legal aids are a few.

Session 3 – Artificial Intelligence (AI) and its Implications in Courtrooms
Speakers: Dr. Justice Pushpendra Singh Bhati; and Prof. Professor Arnab Bhattacharya

The session on AI and its implications on courtrooms included the opposite ends of the spectrum, i.e. the usefulness as well as the challenges. The session explored aspects of AI as an enabler to judicial system *viz.* Court & Case Management, Relationship Management such as Bar and other stakeholders such as Government Departments; and Administrative management such as management of the Registry, Case load optimization etc. Also, the challenges posed by AI *viz.* Governing and regulating AI, Fixation of liability, Evidentiary Issues were discussed. It was proposed that automation needs to be done at three levels i) Legal Texts; ii) Judgments; and iii) Legal System. The above will ensure data structuring to enable supervised NLP tools to automate to provide reasonable and effective deliverables.

While dealing with AI as a systemic enabler, it was examined that amongst many valid areas where AI can help, one such area which has the potential of an immediate and scalable impact, is reducing the case pendency, case load, and disposal time of both civil and criminal cases.

On the otherhand, the challenges in the application of AI in judiciary was contemplated. Few such challenges include: i) Explainability – the "black box" conundrum; ii) Issues relating to Governance of AI; iii) Issues relating to Privacy and Security; iv) Validity and Authenticity of data produced by Generative AI; v) Bias & Fairness – AI Hallucinations; vi) Customized to suit India requirements – various vernacular languages, High Court Rules, etc.

As a takeaway it was asserted that integrating AI in judicial dispositions is not just about automating tasks, it's about elevating the legal ecosystem for faster, fairer, and more informed decision-making.