

E-Courts embarking on Phase-III: Judicial Move for Indian Judiciary

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“Virtual hearings have helped Women tackle gendered demands, allowed new mothers to argue from their homes”

- said Justice Chandrachud while speaking at memorial lecture of Justice PM Mukhi.

INTRODUCTION

The velocity of e-Court Mission Mode Project has once again gained its momentum with the announcement of allocation of Rs. 7,000 Crores for Phase-III in the Budget, 2023-24. With the advancement of virtual hearings during the COVID-19 pandemic, it may be said that adversity has led to prosperity too. The Judiciary is trying its best to adopt technology in best possible manner just like all other pillars of the Government. The advent of Phase III of the Project inter alia is likely to create even more convenience for women judicial fraternity as well as other women stakeholders in every aspect be it initiation of litigation, transparent pleadings or timely justice. The women professionals as well as litigants used to face several difficulties before the e-Court Mission Mode Project. Now with the help of digitization through the said project, women professionals will be able to make advancement in their career and manage their professional growth alongside their household obligations. The articles aims to provide a brief on e-Court Mission Mode Project and status of its implementation, execution and targets achieved so far with special emphasis on Action Plan for Phase III and its implications inter alia on all women stakeholders.

The “National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005”, prepared by the e-committee of Hon’ble Supreme Court is the genesis of e-Courts Project in India. Department of Justice, Ministry of Law and justice, Govt. of India monitors and provides fund for the project and it is governed by e-committee of Hon’ble Supreme Court. The project aims to digitize Indian Judiciary in all possible manner right from submission of litigation to the pronouncement of final order. National Judicial Data Grid (NJDG), which provides information of pending cases in real-time is one of the major outcome of the e-Court Mission Mode Project. The initiative was recognized by the World Bank also. In its Ease of Doing Business Report for the year 2018, it mentioned:

“India made enforcing contracts easier by introducing the National Judicial Data Grid, which makes it possible to generate case management reports on local courts.”

Following are the objectives of the Project [as per e-Court Project Website - <https://ecommitteesci.gov.in/>]:

- To provide efficient and time-bound citizen centric services delivery as detailed in e-Court Project Litigant’s Charter.
- To develop, install and implement decision support systems in courts.
- To automate the processes to provide transparency in accessibility of information to its stakeholders.
- To enhance judicial productivity, both qualitatively as well as quantitatively, to make justice delivery system affordable, accessible, cost effective, predictable, reliable and transparent.

IMPLEMENTATION

The e-Court Mission Mode Project is considered as one of the most successful projects in India due to its strategic and effective phase-wise implementation with the aim to provide Free and Open Sources (FOSS). The e-Court Mission Mode Project comprises of following 3 (three) phases:

(a) Phase I:

The Phase I commenced in the year 2007 with the mission to provide Information Technology infrastructures like computer, server centre, software, hardware component, etc. to the Courts. With the help of this, the courts could develop and maintain websites, train its staffs and judicial members, initiate Case Information System, etc. which ultimately resulted into much needed ease to all the stakeholders. **Exhaustive List of the activities proposed for Phase-I were as follows:**

- (i) Creation of computer room at all the court complexes with internet provisioning.
- (ii) Providing laptops to judicial officers and judges.
- (iii) ICT Training for the 1st year.
- (iv) System Software (OS, RDBMS, Office Packages etc.)
- (v) Creation of centralized facility for system administration.
- (vi) Manpower development and retention cost.
- (vii) Up-gradation of ICT Infrastructure in Supreme Court and High Courts (1st year).
- (viii) Project Management Consultancy, Monitoring and Change management.
- (ix) Extension of computer facility at process places, judges chamber, court hall filing scrutiny section and certified copy section and computer room within the court complex.
- (x) Upgradation of ICT and power infrastructure.
- (xi) Upgradation of centralized facility for system administration.
- (xii) Upgradation of computer facility computer room and providing scanner at the computing facility.
- (xiii) Manpower and Training Cost for the 2nd year.
- (xiv) Up gradation of ICT Infrastructure in Supreme Court and High Courts (2nd year).
- (xv) Project Management Consultancy, Monitoring and Change management.

The Phase I was successfully implemented and executed and the stipulated target was finally achieved in the year 2015 (with extended timeline) with some transitions to Phase-II. Data from the official website of e-courts are as follows:

- 7,500 Servers, 1,45,000 Desktops were provided in 3000 District and Taluka Court Complexes across the Country.
- Around 19,000 Laptops were procured for Judicial Officers.

- National Data Centre houses NJDG and citizen centric applications, like ecourts.gov.in, NJDG using ELK, Mobile Apps, e-Filing, with more than 250 VMs of which 70 were used as database VMs and remaining as application and Elastic search VM.

(b) Phase II:

The Phase II was sanctioned by the Government of India on 04th August, 2015. While the emphasis of Phase I was majorly on providing necessary Information Technology infrastructure, the Phase II emphasized on utilization of the infrastructure by litigants and judicial fraternity. Exhaustive List of the activities proposed for Phase-II was as follows:

- (i) Creation of ICT Infrastructure for additional courts to be created during the project period as per the direction of the Supreme Court in All India Judges Association v Union of India, (2002) 4 SCC 247, pr. 25.
- (ii) Provisioning of video conferencing facility between under trail prisoners and magistrate with video monitoring.
- (iii) Installation of Wireless Internet facility system in the Supreme court and High court complexes.
- (iv) Infrastructure upgradation for centralized facility.
- (v) Manpower and training.
- (vi) Up-gradation of Centralized facility Digital Archive of record room and library Management system.

MAJOR RESULTS OF THE PHASE II ARE AS FOLLOWS:

- National Judicial Data Grid for District Courts and High Courts
- Case Information System for District Courts and High Courts
- E-Filing
- National Service and Tracking of Electronic Processes (NSTEP)
- E-Payment
- Virtual Courts
- E-Court Services Mobile Application
- JustIs – A Mobile App exclusively made for Judicial Officers
- Migration to Cloud

- E-Courts National Portal
- Automated emails and Push and Pull SMS
- Integration with external agencies/departments
- Capacity building and self reliance – Role of DSA (District System Administrators)

In light of the above, it can be concluded that the Phase II of the Project aimed to be **litigant-centric** and successfully achieved the same. However, the transition of Phase II to Phase III will be challenging in view of huge expectations of the stakeholders. Further, since the Government has announced such a major chunk of outlay for Phase-III, the aim shall now be to justify such allocation also.

(c) Phase III:

In light of the aforesaid, it can be submitted that the first two phases of eCourts have provided a strong base not only for convenience in judicial trials but also for technological innovations. The same is evident from the modular services developed by individual High Courts.

The Draft Vision document for Phase – III has already been prepared and once approved by the e-committee, the same will be the Vision Document for Phase – III of the e-Courts project. The Phase III envisions adopting an ecosystem approach in order to support scale, speed and sustainability. As submitted in the draft Vision Document, the phase III of the e-Courts project envisions a judicial system that is more accessible, efficient and equitable for every individual who seeks justice or is a part of the delivery of justice in India. Key highlights of the vision documents are as follows:

WHAT IS THE ECOSYSTEM APPROACH IN TERMS OF E-COURT PROJECT?

- Design for the ease and access of multiple ecosystem actors simultaneously: litigants, lawyers, registry & judges.
- Opportunities for multiple parties (High Courts, startups, govt. law chambers, etc.) to innovate over the digital infrastructure.
- Offer seamless service delivery across police, prisons, legal aid authorities through open standards specifications & APIs.
- Enable access to open data, subject to privacy regulations.
- Governance frameworks that set rules around platform usage, including data privacy and security.
- Analytics led and insight driven to improve accountability & feedback.

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BENEFITS FOR STAKEHOLDERS:

- **Citizens**
 - ♦ Better scheduling mechanisms, online digital filings, and different mediums of hearings will provide certainty of events, increase access to courts from anywhere, and advance access to timely justice.
 - ♦ Digital orders in multiple regional languages will significantly improve understanding of the process and access to justice.
 - ♦ E-filings and virtual hearings will reduce legal and travel costs, thereby reducing the costs of accessing justice.
 - ♦ Proactive alerts and information, live streaming of cases, and open data that would constantly evolve and better the system, will increase transparency and trust in the system.
 - ♦ Case information across various courts can be uniform in structure, which will enable tracking of case status in various courts simpler.
- **Lawyers**
 - ♦ Seamless filings, service of summons / prior notice to the opposite party and hearings from their cities or homes will bring time and cost efficiencies to their practice.
 - ♦ Make available the same records of files as the courts since the digital case file available with the lawyer / litigant will be identical to the court record of the case. Further, changes being in real time, will reduce the need for inspection or regular updation of case files by the lawyer / party. This will also avoid issues arising from loss of case records or the need to reconstruct case files.
 - ♦ Better scheduling will enable better time utilisation.
 - ♦ Orders from different courts made available in regional languages will enable smoother transition of cases from court to court.



- ♦ Digital hearings and e-filings will enable the practice of law to *become more inclusive for women* and differently abled lawyers.
- ♦ Greater access to information about similar cases will support crafting legal arguments and strategies.
- **Judges:**
 - There will be greater data, information and support for decision making about the management of the case flow.
 - ♦ A unified digital platform will enable courts to track the progress of cases from the court of original jurisdiction through appellate courts.
 - ♦ Intelligent scheduling will support prioritisation of cases as well as time management.
 - ♦ Greater ease to search, track and index digital documents, will make it easier to access facts and legal precedents in real-time.
 - ♦ Greater access to information and research tools.
- **Court Staff:**
 - ♦ Automating processes for scrutiny and review of filed documents. Digital filings will optimise time, minimise errors and increase effectiveness of the Registry.
- ♦ Reduce dependence on the physical registry.
- ♦ Smart templates for orders and the design of case management systems being built on top of machine-readable files can reduce workload of court staff by minimising need to input data.
- **For the Judicial and Legal System:**
 - ♦ Better data visibility on types and classes of cases that create most caseloads and how they proceed will enable more targeted intervention and resource allocation by the judiciary.
 - ♦ Seamless integration of the judicial system with that of the police, prisons, prosecution, etc., which will improve the speed of information sharing and more efficient processes.
 - ♦ Data generated by the system will help inform better laws, procedures, and more effective resource allocation.
 - ♦ Accessible open data will enable researchers, academics, and civil society to better understand the functioning of the judicial system.
 - ♦ Minimizing paper-based processes will bring a significant reduction to the environmental costs of the judicial and legal system.
 - ♦ There will be increased security, and minimal time and costs, of moving physical documents from one court to another.



E-COURTS AND WOMEN STAKEHOLDERS

Our society is still in stereotyping zone where household chores are still considered as responsibility of the women family member alone, no matter how educated and technically skilled they are. At some point of time, they are bound to take break from their career and even when they re-start their career they feel left behind due to the frequent advancements and updates. In such a scenario, it becomes difficult for a woman to step up for a profession which requires more physical movement. Virtual hearings have come as a silver lining for all such women especially young mothers to manage their career and cater needs of their family simultaneously. Further, not just as a professional but virtual hearings and data accessibility has also helped women citizen in approaching courts independently without support of male members of the family and that too through a safe environment.

The aforesaid is also evident from the fact that when post covid era, when the courts started to return back to physical hearing, considerable number of women practicing at Supreme Court submitted their representation to the Chief Justice of India for virtual/hybrid hearings.

CHALLENGES

“Given an opportunity to place the technological infrastructure of Indian judiciary on a robust basis, the question today is not whether we should adopt technology but how well do we adopt technology.”

Justice D.Y. Chandrachud

Like everything else, the success of e-Court Mission Mode Project too has to face some challenges. Few of them are listed below:

- Where countries like UK, USA, China, etc. with similar initiatives is well equipped with information and communication technology, India is still struggling to maintain its pace with such a huge population. Further, the advancement of information technology in these countries started much before than in India and as such judicial stakeholders in such countries are way more versed with technology than citizens of India.
- Some members of judicial fraternity still resist virtual hearings for the reason of criticism from public at large.
- Further, for the initiative to be successful and delivery of justice to all, it is essential that technology must be accessible for all class of citizens including the under privileged as nobody should be deprived of justice because of non-accessibility of required resources. In such a case complete transition to digitization may prove to be unjust.
- Lack of awareness about e-courts among common citizens. Initiative must be taken to publicize the e-courts and made the same at par with the general courts when it comes to awareness.
- To cope up with the ever-changing technological means and gadgets.

CONCLUSION

Needless to say that the E-Court Mission Mode Project is already a successful and applauded project and with considerable solutions to the aforesaid challenges, it will become inevitable. **Starting from Work from Home, then to Meetings from Home and now through Justice From home, India has come a long way inter alia in providing gender equity.** A woman can now pursue her judiciary career even when confined to four corners of her house. With support from the Government and acceptance by public at large, among other sector women population of the country also will definitely achieve new milestones through the E-Court Mission Mode Project. Government has already shown its support through a considerable outlay of Rs. 7,000 Crore in the recent budget and now it is up to the judicial fraternity and other stakeholder to justify such an allocation.

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