
DIGITIZATION: THE NEXT CHAPTER OF THE INDIAN JUDICIARY

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ABSTRACT

One rightly said, “It is not the strongest of the species that survive, nor the most intelligent one that survive. It is the one that is most adaptable to change.” The biggest part of our digital transformation is changing the way we think. The judiciary is the key functionary of our country and its digitization should be our priority. This article provides a complete analysis of all initiatives under the Supreme Court E-court project and challenges in the path of digitization of the judiciary. Digitization of the Indian courts began in earnest in the 1990s after the economic liberalization of our country. When we used to visualize the Indian judiciary, all we could think of was the terrible infrastructure of lower courts, the stockpile of cases, the corrupt environment, the adjournment culture, and many others but as we see the integration of digital infrastructure the image has slowly and gradually changed with a huge budget allotted under CSS to upgrade existing infrastructure, citizen-centric services, a digital portal for case-related information, state of the art technology, a focus on complete paperless to enhance sustainability and with futuristic cutting edge technology we see a rapid transition in justice delivery system. Digitization has made complex court procedures seamless and straightforward for ordinary citizens. The e-committee which is largely responsible for the digitization of the judiciary has introduced numerous E-services such as E-pay, E-filing, E-court, virtual/hybrid hearing, National Judicial Data Grid (NDJG), E-court mobile service portal with user-friendly database, eSCR that is supreme court report, e sewa kendra, Suswagatam portal and many other in achieving and fulfilling the needs and aspirations of Young India, Digital India. The future belongs to those who prepare for it today. We must modernize our current infrastructure to meet impending challenges such as the one we encountered during the COVID-19 pandemic. This can be achieved by making effective use of the funds, training judges as well as court staff to incorporate technology in their traditional work culture, strengthening privacy and cybersecurity, and digitizing existing court records.

Keywords: Digitization, Judiciary, E-committee, Digital India, ICT, Action Plan, E-court project, Records, Infrastructure, NJDG.

INTRODUCTION:

“The question no longer is whether a judge is technology-friendly. Technology is no longer a matter of choice, and all judges must realize this. It is part of the system like law books, it is like a driving license required for driving a car¹” said Chief Justice of India Justice D.Y. Chandrachud. In an age of digitization, when the aspirations of people are high, and everything is available in just one click, why is it that the most important organ of our society remains untouched by it? Thus, to fulfill the ambitions of AMRIT KAL BHARAT, the judiciary, one of the formidable pillars of our democracy, is going through a transformational overhaul to keep up with the demands and challenges of the 21st century. On 28th January Supreme Court of India celebrated its Diamond Jubilee, and in these past 75 years, one of the most important aspects that require urgent attention is its Digitization, which is a necessity and demand of this modern era.

HISTORY:

The journey of modernization of the Indian judicial system started way back in 1990 with the initiative of computerizing some of its processes but this initiative accelerated after the enactment of the Information and Technology Act 2000 and gained attention when then CJI Justice R.C.Lahoti wrote a letter to the central government on 5th July 2004, asking the Ministry of Law and Justice to formulate an E.Committee which shall assist him in implementation of National Policy on Computerization of Indian Judiciary. Thus, on 28th November 2004, the Ministry of Law and Justice constituted a committee consisting of a retired judge of Karnataka High Court, Justice G.C. Bharuka, with three other specialist members. On 11th May 2005, the committee presented its report on the Strategic Plan for Implementation of Information and Communication Technology in the Indian Judiciary. The report of the committee was made available by the C.J.I. to all chief justices of high courts, leading jurists, academicians, and law ministers of states. In a detailed discussion of the committee with a large section of ICT-related organizations in the context of the use of technology in court processes, it was conferred that the objective of digitization cannot be achieved unless court functionaries, especially Judges and court staff show personal interest in the implementation of technology in their work culture.

¹ Justice D.Y. Chandrachud, C.J.I., The question no longer is whether a judge is technology-friendly. Technology is no longer a matter of choice, and all judges must realize this. It is part of the system like law books, it is like a driving license required for driving a car, The Times of India (New Delhi), Feb. 4, 2023.

The implementation of ICT will not only enhance the speed of judicial proceedings but will also help in achieving the goals of cost-effective, qualitative, and sustainable justice.

ABOUT THE PROJECT:

Under the initiative of ‘National Policy and Action Plan for Implementation of Information and Communication Technology in Indian Judiciary’ the Supreme Court of India in close coordination with the Ministry of Law and Justice and E committee initiated the e-courts project in a phased manner to eliminate barriers to justice, unequal access to legal resources, unfamiliarity of English, issues of accessibility to achieve procedural fairness. The first phase of the e-court project started in 2007 which focused on developing infrastructure in district courts and talukas for the installation of computer hardware, LAN, and Case Information Software (CIS) to facilitate litigants and judges for basic case-related services. This phase was completed in 2015, but also made the E. committee aware of the poor physical infrastructure of courts at the district level. Under the e-court project phase 2, several new initiatives were adopted to fully digitize the court infrastructure. This phase got its accent by the Honorable CJI on 8th January 2014, and the Government of India gave its assent on 4th August 2014. For the success of the project, several new citizen-centric services were adopted.

- Epay, which enables citizens to make online payments of fines, fees, penalty/challans, and judicial deposits, has been integrated with state-specific vendors like SBI, GRAS, HIMKOSH, etc. It has been implemented in 23 states with online court fee collection of 287.07 crore and online payment of fines worth 22.98 lakhs. Also, in more than 23 high courts Court Fees Act has been amended to promote e-payment. However, this facility is available only in 33.3% of district courts across India.
- E-filing is an outstanding electronic service available in 25 states, 24×7 for faster, convenient, and simple filing of cases. Till now, a record 29,00,000 cases have been filed through e-filing, and it has been made mandatory in the Kerala High Court to file a case both in a physical and online manner.
- Virtual /hybrid hearings have democratized access to courts. Any person at a physical distance unable to attend court proceedings can use the virtual hearing mode. These hearings saw a tremendous jump during the COVID-19 pandemic, where litigants, lawyers, and judges interacted with each other and solved many cases through video conferencing.

It has been implemented in 20 states receiving 4.37 crore challans worth 502.25 crore fine collection. More than 5 lakh cases have been dealt with through hybrid hearing. In the case of **Krishna Veni Nagam v. Harish Nagam (2017)**² Supreme Court of India approved the hearing of matrimonial cases through video conferencing, which added a new dimension to virtual hearings.

- Artificial Intelligence-based translation software has helped a lot in translating orders or judgments of courts in Hindi or other native languages. Currently, two such tools are being used, namely Supreme Court Portal for Assistance in Court's Efficiency (SUPACE) and Supreme Court Vidhik Anuvaad Software (SUVAS).
- Live proceedings of the Supreme Court constitutional bench have generated curiosity among students, lawyers, and many others who have a genuine interest in courts and their procedures. Through the judgment of **Swapnil Tripathi v. Supreme Court of India (2018)**³ The apex court decided live streaming of cases of constitutional and national importance. In 2021, the Gujrat High Court became the first court to livestream its proceedings, followed by the High Court of Odisha, Madhya Pradesh, Karnataka, and Bihar.
- Paperless courts are one of the important objectives that any digital court would like to achieve. Kerala High Court became the first court in the country to declare itself a paperless court even fulfilling its commitment towards sustainable justice. Also, the futuristic cuttingedge technology has been used to fully digitize the Chief Justice's court with the other two Court No.2 and Court No.3 of the SC. Over 13 lacks cases with 10 crore pages have been fully digitized. Even the SuSwagatam portal of the Supreme Court has contributed a lot in generating 1,23,000 paperless, digital entry passes for visitors.
- To secure the valuable data of the courts of our country, a safe and secure cloud-based infrastructure and National Judicial Data Grid (NJDG) has been formed to monitor judicial data of the entire country. It is a significant innovation under the ease of doing business of the Government of India. It consists of data on 21 crore cases, out of which 4.47 crore cases

² Krishna Veni Nagam v. Harish Nagam, AIR 2017 SC 1345.

³ Swapnil Tripathi v. Supreme Court of India, AIR 2018 SC 66.

are pending in the district court. It also contains data on 24 crore orders and judgments of 688 district courts. It also contains data from

- The High Court with 4.4 crore cases, among which 62 lakhs are pending, and also has data of 1.22 crore final orders and judgments. In the case of **Jitendra Kumar Rode v. Union of India**⁴ The SC pronounced the following directions for the digitization of the judiciary;

*“ Therefore, this Court finds it fit to issue the following directions: 1. The Registrar General of the High Courts shall ensure that in all cases of criminal trial, as well as civil suits, the digitization of records must be duly undertaken with promptitude at all District Courts, preferably within the time prescribed for filing an appeal within the laws of procedure. 2. The concerned District Judge, once the system of digitization along with the system of authentication of the digitized records is in place in their judgeship, to ensure that the records so digitized are verified as expeditiously as possible. 3. A continually updated record of Register of Records digitized shall be maintained, with periodic reports being sent to the concerned High Courts for suitable directions. ”*⁵

- The E.Court service mobile application has been one of the remarkable achievements for the judiciary. This application also received the 2018 Digital India Award for being the best mobile app. Through this app, litigants and judges can access case status, order, and cause list 24×7 on their devices free of cost without making their way to court. The status of any case can be accessed through case number, advocate names, party name, or by the type of case. By 7th May 2021, it was downloaded by 5.81 million users due to its user-friendly database and availability in many languages.
- The eSCR portal of the Supreme Court provides free access to its reportable judgments in both the Hindi and English languages. 36,209 judgments have been uploaded in English, out of which 36,000 judgments are available in Hindi and 11,000 in other Indian languages using Machine Learning Technology.
- To make judicial procedure speedy and transparent Interoperable Criminal Justice System (ICJS) was incorporated by the Supreme Court e-committee to transfer data between courts, police, jails, forensic laboratories, etc. This system operates on the principle of ‘One data,

⁴ Jitendra Kumar Rode v. Union of India, 2023 INSC 419.

⁵ Centre for Research & Planning, Report (Supreme Court Of India, Nov. 2023).

One entry'. This system makes the FIR, Chargesheet, and other case-related information available to all the courts. This platform has proven itself to be effective in court management and timely compliance with judicial orders and summons. In the case of **Kuldeep & Monu v. State of Haryana**⁶, the SC removed the limited access of ICJS to the general public. In this case, the court observed;

*"Given the willingness expressed by the Home Ministry, we consider it appropriate to direct: (a) Information about prisoners at present accessible only to ICJS agencies can be made available to the general public. (b) Information regarding proclaimed offenders available with Courts under the supervision of E-Committee can also be made available to other agencies on the ICJS..."*⁷

- For security and transparency of court records, Blockchain technology is being used to prevent tampering of critical data. Through this technology, it is ensured that court records are secured and accessible to authorized authorities only. To prevent land fraud, the state of Telangana is using this technology to secure land records. More than 18732 courts across the country have been interconnected with a wide area network (WAN). Although the digitization of court records was not part of phase 2 of the e-court project, the SOP named Digital Preservation Standard Operating Procedure to preserve, protect, and store the legacy data of the judiciary.
- Over 713 district court websites have been migrated to the S3WaaS (secure, scalable, and sugamya cloud service). From the installation of touch screen Kiosks to automated E-Mail and SMS Pull (9766899899) a number that provides case details without any internet, District Court Portal, and E-SEVA KENDRA initiatives like these have strengthened the foundations of the Indian Judiciary and through the process of digitization, the judiciary has tried to meet the aspirations and objective of framers of our constitution and has reviewed the pledge to uphold the principle of the Constitution of India. This project attempts to enhance the accessibility and transparency of the justice delivery system.

⁶ Kuldeep & Monu v. State of Harayana, Crim. A. No. 1000 Of 2011 (India, Apr. 17, 2023), <https://www.supremecourtfindia.nic.in/>.

⁷ Centre for Research & Planning, *Report* (Supreme Court of India, Nov. 2023).

CHALLENGES:

The central government has taken the initiative to fund the upgrading of the infrastructure of courts in a ratio of 60:40, where 60% of the expenses bear to the center and 40% bear to the state. Through the Center Sponsored Scheme (CSS) from 1993 to 2020 Center allocated up to INR 7460 crores to the state and UT for infrastructure, and now the Union Cabinet has decided to extend the scheme for five more years up to 2026 with the financial commitment of INR 5357 crores.⁸ Even after so much effort poor physical infrastructure of the judiciary remains a matter of grave concern. The biggest problem remains the utilization of funds as in 2019-2020, CSS allocated a total amount of INR 981.98 crore, out of which only INR 84.9 crores were utilized, which shows a lack of coordination between the center and state. In 1988, the **127th Law Commission Report** suggested the urgent requirement for the upgradation of judicial infrastructure. Even after 30 years, in the case of **Imtiyaz Ahmad v. State of U.P. & others**,⁹ in 2017 Supreme Court directed the Law Commission to suggest immediate measures to upgrade physical infrastructure to reduce delay and cost and deliver the right to speedy trial under Article 21 of the Constitution to its citizens.

- One of the biggest challenges for digitization remains the lack of knowledge and interest in incorporating traditional work culture with new advanced technology, especially by court staff, judges and litigants remains a much bigger challenge.
- Lack of privacy of individuals and court records, instead of increasing cybercrime and hacking, also prevents people from integrating technology into their lives.
- Archives are the biggest source of records, hence an initiative for digital archives has been launched. Digitization of old records will not only reduce the stockpile of records but will also require less effort to maintain, leading to an enhancement of the efficiency of courts.
- Human errors in updating the E-court mobile portal, especially in uploading dates of hearing remain a matter of grave concern for litigants, which forces them to check these dates physically regularly to avoid any discrepancy in their practice.

⁸ Niranjana Sahoo, Jibran A. Khan, Why the central scheme for Judicial Infrastructure Needs an Urgent Overhaul, OBSERVER RESEARCH FOUNDATION (Jan 29, 2022), <https://www.orfonline.org/-expert-speak/whycentral-scheme-judicial-infrastructure-needs-urgent-overhaul/>.

⁹ Imtiyaz Ahmad v. State of U.P. & others, AIR 2017 SC 628.

- Live streaming of court proceedings has become an integral part of the judicial system, yet many judges of the High Court or District and Subordinate Courts avoid live streaming of their courtroom just in fear that their judgments or work will be judged by people outside the court without any credibility.

SUGGESTIONS:

- With increasing digitization, it has become very important that both judges and litigants need to understand their responsibility towards people who are not educated or literate enough to understand complex court proceedings and technology.
- All staff related to courts must be given adequate training sessions to understand new technology till they become familiar with it.
- It also needed to be ensured that emerging new technology does not create barriers to accessibility, especially for those with limited access to technology or individuals with disabilities.
- Once the drive for modernization of the court has started, it is very important to ensure that regular maintenance of digital infrastructure is done to enhance its effectiveness and reduce problems.
- For efficient use of funds allocated, it is very important that there must be close coordination between the center and state. Thus, to strengthen this coordination, CJI N.V. Ramana proposed the National Judicial Infrastructure Cooperation (NJIC), which could be a game-changing decision in the field of the physical infrastructure of the judiciary.

CONCLUSION:

The courts of this country were set up with a sense of idealism. It was through the Constitution that the people of India gave themselves this judiciary. We all know that 'Justice delayed is justice denied,' but today the number of pending cases is sharply increasing in the country. More than 4.48 crore cases are pending in Indian courts, which are rendering the commitment of justice to all made by our judiciary to the constitution.¹⁰ With the help of new advanced

¹⁰ National Judicial Data Grid, National Informatics Centre, <https://njdg.ecourts.gov.in/njdgnew/> (last visited Apr. 6, 2025).

state-of-the-art technology, this backlog can be reduced to a great extent with greater speed. The emergence and advancement of new technology will help in transforming the Indian Judicial System. By using E-court services, we can ensure transparency and speedy disposal of cases. Although digitization has made justice just a click away, it is important that in the hurry of cleaning the backlog of cases we do not forget another important principle of 'Justice hurried is justice buried'. After 75 years of independence, we have an opportunity to meet these challenges and step into the future with an honest assessment of our achievements. Thus, through these methods, we will be able to realize and fulfill the dreams of the founding fathers of our nation.