

E -Judiciary : - E-Court Challenges And Remedies

Dr. Manasi Killedar

Assistant professor

Sterling College Of Arts Science Commerce Nerul

manasiklkrn@gmail.com

9320365999

Abstract

Digitization act as catalyst for most of the field for prospering. With the digital revolution all domains including legal services. current legal system is emphasizing on paperwork rather than technology, despite all the publicity around digitisation in India, legal sector still lags behind other sectors. There are thousands of courts, over a million advocates, lakhs of on-going cases and lakhs of pending cases, an ever growing population, but above all, there is a lack of information made available to the concerned parties which should be addressed. There is a persistent need to speed up the legal sector which makes it mandatory to embark on digitisation of the system. To overcome this situation Indian judiciary system has introduced E-courts which can speed up the justice delivery, this research paper will focus on how e-courts are helping to provide speedy delivery of justice to the people , along with this it will also emphasizing on certain challenges of using e-courts and the solution for it.

Key words – E-courts, e-judiciary, digitization, Indian legal system

Introduction

India is fast embracing the concept of digitization as we have realised that digitization is the way forward. In a country like ours where people are plagued with paperwork, running from pillar to post getting work done just adds on to our woes. In order to expedite the course of justice delivery, digitization of the Indian legal system needs to be brought about.

There is a huge backlog of cases and ushering in a paperless digitized wave, will increase the efficiency of the legal system. The e-Courts mission of the Central Government aims at reducing pendency of court cases, digitizing court records, increasing efficiency, using human resources effectively, makes judgments available online for the common man among other things.

Coordinator, IQAC
NCRD'S Sterling College of Arts,
Commerce & Science
Nerul - 400 706.



Principal
NCRD'S Sterling College of Arts, Commerce & Science
Nerul, Navi Mumbai - 400706

Review of Literature

India is on the verge of technology revolution that enables law agencies to manage the case proceeding in electronic format, leading over paper-centric judicial scenario. This has also given birth to this new idea; adjudication through e-courts. (Rishi Prakash, T. Mohanty, Ramji Gupta & Vinay Jain 2011), e-justice has provided significant financial and time savings, thereby enhancing the effectiveness of the proceedings and timely delivery of justice. Some of the common challenges mentioned included ensuring the needed validation and authentication of information, as well as data security. At the same time, easier access to information and thereby the transparency of the judicial system has not only been important in itself, but it has also increased the quality of justice. The access to monitor the advancement of proceedings, good quality legal databases, and the availability of public versions of judgements has also provided an opportunity for public awareness and scrutiny, enhancing the accountability of the whole judicial system (UN Rule of Law Coordination and Resource Group (ROLCRG) 1 June 2016), Positive effect of technology on the judiciary includes paperless court, national data grid, transparency ease of access etc. under trial prisoners, e witness examination, the author also said in his article as those who litigate in courts say that litigation is a waste of time, money and paper. All three of these and the never-ending burden on courts can be drastically reduced by making the entire procedure more technology-friendly Those who litigate in courts say that litigation is a waste of time, money and paper. All three of these and the never-ending burden on courts can be drastically reduced by making the entire procedure more technology-friendly.

Many courts face challenges dealing with large volumes of electronic evidence. Innovative solutions are in place, but challenges remain for those who manage our courts. Some of the international tribunals have embraced new technologies. High staff turnover leads to a knowledge drain and mobile devices which generate a significant amount of meta-data are issues that need to be addressed (Mark dillion, David Beresford 2014).

Objectives

- To understand effects of e-court on Indian judiciary system
- To know the e-court system mechanism
- To understand the challenges in front of e-courts and overall Indian e judiciary.
- To suggest the remedies for the challenges

Research methodology

This research paper has used the secondary data for understanding concept of e-courts, effects and need of e-courts, And challenges and remedies of e-courts and e-judiciary. The data used in this paper is qualitative as well as quantitative.

Sumanika Jopani
Coordinator, IQAC
NCRD'S Sterling College of Arts,
Commerce & Science
Nerul - 400 706.



Sumanika Jopani
Principal
NCRD'S Sterling College of Arts, Commerce & Science
Nerul, Navi Mumbai - 400706

Concept of E- court

An e-court or Electronic Court means a location in which matters of law are adjudicated upon, in the presence of qualified Judge(s) and which has a well-developed technical infrastructure. An e-court is, however, different from a computerised court. In the case of e-court, everything is done in an "online environment" through the use of Internet and other Information and Communication Technology (ICT), whereas a computerised court is nothing more than a court having computers and basic level hardware and software.

E-court enables the legal services faster as well as cost effective and more user friendly This would make the court process easier and citizen centric service.

This e-court concept has been established in the year 2007 but conceptualized in the year 2005 on the basis of 'National Policy And Action Plan For Implementation Of Information Technology In The Indian Judiciary'

The project was done in II phases, in phase In Phase-I of the e-Courts Project beginning from 2007, a large number of Court Complexes, Computer Server Rooms and Judicial Service Centres were readied for computerization of the District Courts. The District and Taluka Court Complexes covered in Phase-I were computerized with installation of hardware, LAN and Case Information Software (CIS), for providing basic case related services to the litigants and the lawyers. A large number of District Courts launched their websites for the convenience of the different stakeholders.

In phase II of the project lays great emphasis on service delivery to the litigants, lawyers and other stakeholders. The websites will be Accessible Compliant and to the extent possible, the information will be available in the local languages. The applications for mobile phones , SMS and emails are extensively used as platforms for dissemination of information. Kiosk will be provided for every Court Complex. Certified copies of documents will be given online and e-Payment Gateways will be provided for making deposits, payment of court fees, fines etc.

The first digital court

India's first e-court was opened at the High Court of Judicature at Hyderabad, a common high court for the states of Telangana and Andhra Pradesh.

It was inaugurated by the Chairperson of the Supreme Court e-Committee Justice Madan B Lokur.

E-court system features:-

- Role based access to authorized users
- Uploading the scanned files/evidence and adding appropriate metadata.
- Allows Judges to see recording of proceeding for review and why case was rescheduled last time.
- Making the knowledge and information content available in 24x7 online environments.

- Appropriate Searching of case records.
- Provision to provide case CD/DVD to authorized person.
- Provision for taking record backup at a specified backup site.
- Live webcast of case proceedings through web portal.
- Can be use by court reporters that missed a word or statement.

Need for E-court

The courts in India are burdened with a large number of pending cases and a whopping number of new cases are being fed into the system every day. Court proceedings, being a document-intensive workflow, generate a huge number of documents. These combined with millions of documents stemming from the pending and closed cases, makes managing them a herculean task requiring an immense amount of time and human resource. There are a plethora of problems that citizens face while trying to access these documents or while conversing with courts regarding case proceedings. Citizens face these problems mostly because of manual processes involved at all levels, like:

- Manual paper-based case filing & proceedings
- Legacy systems of communication between courts and parties involved in a case
- Lack of case status tracking mechanism creates high dependency on lawyers and other middlemen
- Linking of old cases and cases from lower courts
- Lack of lawyer database for petitioners to choose the correct litigators
- Physical and manual archival of case records

Advantages of e-courts

- **Information available** – :The main advantage of an e-court is that the entire information related to a particular case would be available online. It would be available to the attorneys, parties and the general public through the help of internet.
Filing of documents – Registered attorneys can file their case document directly from their home or office. They do not have to worry about postage, traffic congestion or messenger services. They can create a docket sheet and update it immediately, when the documents are filed.
- **Easy access** –: With the help of internet, the documents of a case can be accessed easily from anywhere at any time. Around 25 crore transactions have been already recorded relating to online access of court information.
- **Better court management** –: E- courts would help in the computerization of work flow management in courts. Thus, it would help to create a better court and case management. Video conferencing facilities would be installed in every court complex. Evidence of eyewitness, who are unable to attend the court can be recorded through this method.

Coordinator, IQAC
NCRD'S Sterling College of Arts,
Commerce & Science
Nerul - 400 706,



Principal
NCRD'S Sterling College of Arts, Commerce & Science
Nerul, Nerul Mumbai - 400706

- **Data keeping** –: The information would not be misplaced as all the information regarding the case would be carefully recorded and stored. Data keeping would include maintaining the records of e-file minute entries, bail orders, warrants etc.
- **Security of the witnesses** - In many cases, the witnesses are not able to come to the court and make their statement as the other party is too strong and scares them of the consequences. e-Courts can help in dealing with such cases.

Challenges of e-court

E court has taken positive step towards fast delivery process of providing justice to the citizen of India. But still the proposition of e-courts raises multiple challenges.

- **Complicated process** - E-courts in India is an endless and complicating process. The process of e-filing a document is a difficult process. All the evidence cannot be produced in a digital format.
- **Co-ordination** - the lack of coordination and communication between various departments of courts with respect ,updating cause list, record and filings and author administrative activities
- **Training requirements** -: training large no of employees for understanding new system and of e-courts which leads to increase in training cost.
- **Technical manpower** -: there is lack of technical manpower in courts and awareness among the litigants advocates and their acceptance to the new changed system.
- **Lack of funds** – The project of e-court involves a lot of expenditure. It involves the use of a lot of computers and infrastructures. In the long run, e-courts may face the issue of lack of funds.
- **Lack of techno legal expertise** – Lack of techno legal expertise is the main reason for the poor status of e-courts in India. With the absence of techno legal expertise, electronic courts cannot be established in India. The country requires more techno legal e-court centres so that the project of e-court can achieve success.
- **E-court security** -: Hackers are getting stronger with every passing day. The possibility of e-Courts getting hacked in such a case cannot be denied.

Possible solution to the above mentioned challenges To address the aforesaid challenges the first thing is that frame a concrete policy for encouraging the setting up e court,

- Establish well defined and pre decided frame work providing direction for the use of e courts
- Up gradation of present infrastructure for e-courts as present judicial infrastructure does not support fully to e court projects.
- deployment of a strong security system that provides secure access to case information for appropriate parties.

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NCRD'S Sterling College of Arts, Commerce & Science
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- user friendly e-courts mechanism, which is simple and easily accessible by the common public will encourage litigants to use such facilities in India.
- Special training session by government to train the personnel of judiciary system.
- creating awareness around e-courts would through road shows and seminars.

Conclusion.


E-courts are one of the important aspect of digitalization of Indian judiciary system . E-court enhances transparency and accountability in judiciary system. E-court also increases efficiency of court proceedings ,E-court is definitely an advancement in the technology in the judicial system. people can get in touch to the judiciary and its proceedings far more easily.if e court project is implemented ,would go long way to save the cost and and time of litigants. E- court will prove major evolution of India's legal framework.

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