

# Issues & Challenges faced in of Courts due to Digitalization

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## Abstract:

The biggest issues faced by judiciary in the country are to reduce the delay in the court process and remove the backlog of cases. The use of ICT court is 'environmentally friendly', but also it ensures quick disposal of existing cases. Digitalization of court is a broad term which includes records and court process. Use of ICT should be normally free of charge for the litigants and accessible without restriction. A proper regulation of digitalized court system should ensure that only appropriate authorities are capable of making necessary changes, such as any necessary amendments or uploading court orders, in the portal with a view to preventing online fraud. It will bring changes in legal battle which is currently lacking with the use of filing paper in the court. It will take time before the entire court system becomes digital. Use of ICT is one time investment cost & the recurring cost can be reduced. Once it is digitalized it will bring great relief to the litigants at one click.

**Key Words: ICT, Digitalization, Eco friendly, Litigant, Portal, Court, Relief**

## Introduction

The biggest issues faced by judiciary in the country are to reduce the delay in the court process and remove the backlog of cases. The judiciaries in most countries however face similar problems. Cost, delay and complexity in the court system were identified in the UK as the major problems with civil justice process in 1997, which eventually resulted in the subsequent reforms and the overture of the Civil Procedure Rules (CPR), 1997. The use of ICT in court is 'environmentally friendly', but also it ensures quick disposal of existing cases. Digitalization of court is a broad term which includes both records and court process. As part of the digital process, the court documents, if hand-written or computer composed have to be scanned and produced in a portal, which should be password secured in case of private and confidential information.

The benefit of digitalization can be enjoyed by litigants only if the online citation is taken by the courts as reliable source as any other references or records. The implementation of the order shall also be executed by the appropriate authorities on the basis of the order posted in the portals. For example prison authority who should be able to release a prisoner based on the order found online portal. No fee shall be charged for using digital records and accessible without restrictions or interventions. Digitalized court system should ensure that only court authorities can make necessary changes, and uploading court orders, in the portal with a view to preventing online fraud.

As far as use of digital process is concerned, it should be user friendly & litigants should be able to without much difficult in filing of cases and submitting e-documents. This will reduce the use of papers in lawyer's chambers and court offices. This will consequently increase efficiency and reduce delay and complexity.

Witness depositions may be recorded and in cases of urgency video recording of witness testimony may be admitted. This will fill the time gap of witness summoning, rendering the disposal of cases quicker. In addition, the case filing and management process, if found online through a digitalized system, will become more transparent and automatic, thereby reducing the possibility of individual adverse influences on a particular case & disposal of the case will be quick.

ICT implementation will bring massive turnaround practice in legal battle. This will require speedy & uninterrupted internet connection throughout the courts and appropriate training for the judges and staffs for the new system. Since India is a multilingual country, it will be difficult at the inception to make everyone familiar with the digitalized court system. For this reason it is relatively new and requires technical knowledge; also cost involved will be very high.



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It is indeed a matter of great success that the use of ICT in Bangladesh has already started, while many western countries are still in the process of transformation to the digital model. The daily 'cause list' of both High Court Division and Appellate Division cases can now be found in the website of Supreme Court of Bangladesh together with the judgment and orders in the same place, allowing litigants and lawyers to access the requisite materials themselves. It will take time before the entire court system becomes digital. Once it is digitalized it will bring great relief to the litigants by pressing one button .

### **Aims and Objectives of the Research Paper**

- a. To analyze response of Indian judiciary to use ICT in court
- b. To compare the position of pending matter before & after introduction of digitalization
- c. To suggest remedial measures to improve disposal of the matters quickly

### **Need for the study:**

A lot of information, however, has to be made public for the better access to justice and facilitate the litigation process and outcome. This can be ensured by uploading every court order in the respective portals or websites. Search terms should not be confined to case numbers and may extent to contents of the documents including the names of the parties to a particular case. Thus the court records must be scanned, indexed, catalogued, archived and at times hyper-linked in order to navigate through the available materials.

### **Scope of the Study:**

The study will classify information of respondents, awareness about digital court room & usage of the e-Courts portal, economic cost (direct & indirect), availability of infrastructure mentioned under the project components, quality of services, problems and challenges, feedback on computerization of courts and suggestions for further improvements.

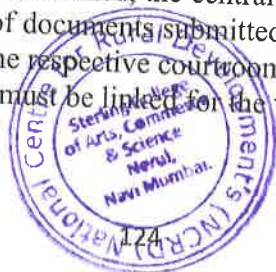
### **Research Methodology:**

The study is based on the secondary data through Committee report, journals & News papers

### **Analysis & Findings on the basis of secondary data:**

1. The court should designate the advocates & litigants to file their fresh petitions/ suits & pending case related documents. Use of ICT/digitalisation will help the litigants to file papers without many hurdles & will enable the litigant to submit their petitions & assisting in filing the documents at ease.
2. There can be separate portal for criminal & civil case. Similarly a separate counter can be maintained by respective court for civil & criminal suits. The officer in-charge will help the litigants in filing through digitalization.
3. "All the documents filed here will be scanned to prepare a digital record. The copy of documents submitted will then be sent to the respective court. For new cases, the case number will be allotted digitally.
4. Earlier, each advocate had to visit the respective court and file all the documents, which were in physical form. The storage of these documents was a challenge for the court administration.
5. To know the next dates fixed by the presiding officer, the advocates had to keep visiting the court.
6. Digital copies of the documents be maintained, the centralized system will also update details about the next date of hearing and the nature of documents submitted on the court website. This can be viewed by the lawyers without having to visit the respective courtroom to know the next hearing date.
7. The litigants pan card & Adhar card must be linked for the verification purpose.

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## Benefits of e-Courts

- Allows electronic monitoring of court-wise case pendency and other key monitoring parameters with reference to courts.
- Greater control over management of cases leads to faster disposal of cases and reduction in pendency.
- Decrease in the time and effort on daily operational activities and a reduction in the movement of litigants to courts.
- Efficient and effective service delivery in consonance with access to justice for all, ensuring fast and fair trials.
- Citizen can avail of services at the Judicial Service Centre or access the information through the Web at any time and from anywhere.

## Government Initiatives

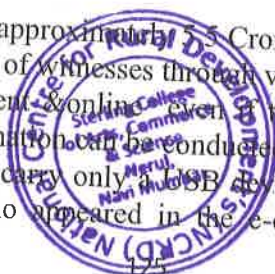
In an effort to expedite justice delivery, the Government is planning to digitize all of the 15,000 subordinate courts across the country. This reform would not only provide judgments and track proceedings online, but also act as a check on unwarranted adjournments allowed by judicial officers. Information like the next date of hearing, submission of number of witnesses, past proceedings, etc. will be capable of being accessed from any part of the globe. All judgments are to be made available online latest by 6 pm on the same day, similar to the practice followed in the Supreme Court and all high courts. "All old cases, pendency and those disposed of are being updated in the data grid. Already data entry of four Crore cases have been completed and uploaded of which details of 1.6 Crore cases are available online as they have been connected with the national data grid." Delhi, Madhya Pradesh and Gujarat are yet to be connected with the national grid because the software used by them is different from the ones used by the national data grid. These were the first states to have started computerization.

The Government has planned connect all legal service authorities with the national grid in the second phase of this e-courts project. This is one of the initiatives in discharging the matter quickly, as well as easy access of related information

## Initiative taken by the court in India: Delhi High Court gets e-court system in India

**New Delhi:** In an attempt to speed up the legal process, the Delhi High Court (HC) has introduced the first e-courtroom in India. This is also an eco-friendly move by the HC to replace paper files with a sleek LCD screen and a touch screen handbook. Many paper files in the court of Justice S Ravindra Bhatt have now been digitalized and judges can directly access them on a display monitor. The court aims to digitalize all the documents within a couple of years, the pilot project went on smoothly on day one. On the first day, 33 cases were listed in which around 18 were disposed of within the first two hours, which would have normally taken the whole day. The LCD touch screen was used by the judge to make corrections and certified the copy using his digital signature.

Currently, the court has digitalized approximately 5 Crore papers pertaining to various cases. It is also considering recording the statement of witnesses through video-conferencing to avoid procedural delays. Due to the use of modern equipment, online examination of the litigant is abroad with the help of Skype examination in chief & cross examination can be conducted. This saves the time of the advocates as well as the litigants. Advocates need to carry only a USB device or CD regarding the case, which is much easier for lawyers & Counsels who appeared in the e-court. However, there were some who still



preferred to use paper files, which is an option given to them before they get used to accessing the data on their digital devices.

**Conclusion:** Trained personnel should be hired on a permanent basis. There should be an option for entering the case number, so that the registration number and the case number do not mismatch. Dot matrix printers should be replaced by copier machines. The main suggestions include improvement in infrastructure, recruitment of technical manpower, rigorous and continuous training, power back-up, and discontinuation of the parallel mode of work. The supply of computers in all related rooms in a court complex beyond courtrooms should be made available. It would help integrate the judiciary system which, in turn, would be able to provide services in an efficient and cost-effective manner. The litigants without computer knowledge also require guidance at the judicial service center. According to the litigants, the entire computerized system should be easy enough to be handled by the common people. An SMS service for case-related information may also be promoted among litigants. The future of the e-Courts project would be such that a litigant would become able to file a case from home.

#### Recommendations:

- It is expected that better quality of infrastructure along with appropriate training to the associated staff would significantly improve the quality of service delivery in the Indian judiciary.
- To assess e-Courts, it is important to get feedback from judicial officers on their awareness of computerization in court complexes in addition to different components of computerization in court rooms.
- It is important to get the suggestions on further modifications of the Case Information System and the specialized software installed.
- Concerned personnel should be trained to use the software so that the system runs successfully

#### Limitations of the Study:

This study is based only on the basis of the secondary data & not primary data. So the findings & suggestion is recommended on the basis of the available information

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