

# Digitalization - The New Era of Indian Judiciary

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## Abstract

“Justice delayed is justice denied.” But the Indian judiciary is infested with recurrent. Judiciary plays a very important role to deliver justice in any country but if we talk about the judicial system in India then the condition of the judiciary is terrible because in India there are 25 High Courts and many district courts but due to the massive population, a high number of cases are pending in the Indian courts right from the lower court to the Apex court. Because if we see, the Indian court system then we find that all the work is done manually and there is the least use of technology in the court. If we talk about the data then there are three million cases are pending in Indian courts and also 26.3 million cases are pending in lower courts across the country and it is also the lack of the judges. “14.7 judges available to per million people” [1] so that’s why the number of cases increased day by day and it is a burden on our judicial system. And that’s why the cost and inefficiency dealing with the records has up slowly over time and it’s time to think about the technology to bring something new because if we see the efforts of the other agencies like police, jails, accused, witness, pieces of evidence, etc. to bring in the courtroom is very costly and too risky. So, in Indian judiciary is on the use of technology so that manage the case proceeding in the use of the electronic format and this gives a new invention or new idea to the Indian judiciary.

## Keywords

Judiciary, Information Technology, Artificial Intelligence, Video Conferencing

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## 1. Introduction

Technology is a very powerful thing that is used in all filed and also made a turning point in the history of human civilization. It has brought about in all fields of human activity. The electronic communication devices such as electronic mail, video conferencing, and many more these are very useful to exchange of useful information between different locations and support to the higher quality of decision making. And these are not contributed to only business organizations but also contributed to legal and other public systems. And nowadays our country is also moving towards the technological system and as we know that the present government is saying that the ‘digital India’ they support to the digitalization for the development in the country and also we see in India that the people have

expatriated from the government to higher quality of digital services from the government because most people are from the commercial organizations. And this suggests that identifying smarter ways of working across all sectors like public services including the judicial administration. And one of the recent developments is that the government makes digitalization of the legal system in the whole country. So, Center Government has asked all States to link prisons with courts through the video conferencing for the time-saving trail and also to save costs of escorting undertrials to courts.

### Objectives of the study

To examine the present role of Technology in the Indian Judiciary.

To study the future scope of Technology for positive change in the Indian Judicial System.

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## 2. Research Methodology

Since the nature of the research paper is theoretical; hence the data has been collected through secondary sources, for example, reference books, internet, journals, etc. have been widely consulted to develop the plan of the research paper.

## 3. Present Working Method of Judiciary

If we talk about today's working system of judiciary then we see that there are lots of cases are pending in the courts. And if we talk about the data that how many cases are pending in the courts then we find that there are Out of 43 lakh cases are pending in High Courts, over 8 lakh a decade old, and this data is given by the Union law minister. Union Law Minister Ravi Shankar Prasad in a written reply said that "4.55 Mn cases are pending in the high court and out of these, 1.85 Mn relate to civil matters and 1.15 Mn are criminal cases." [1] and it is because of lack of manpower, transparency, and inadequate data on pending cases and that's why these challenges are making it difficult to make streamline India's justice system.

So we need to improve our judicial system because it is necessary and also we see that technology is improving day by day and also it save the time and we all known that time is very precious to all and it also saves them money, security and many more and in today's life people are fully dependent upon technology and the electronic thing which is uses in our daily routine life, so now it's time to come for changing the present or we say that to change the old system of judiciary.

## 4. How Technology Can Change Our Judiciary System

Now we see in today's life the filling a complaint is just one click. Many people are filing a complaint online just like you book your online air ticket; train ticket, online book your hotels, etc. this is called a digitalized manner of registering complaints. Filing an FIR, a civil case, RTI application, consumer grievance, application for document verification, driving license, etc. increased accountability of the authorities while saving a lot of hassle for a common man and also courts are providing regular case status updates through their web portals. And one of the recent developments by Prime Minister Narendra Modi has launched a new website of the Supreme Court of India in which we see that the all-new integrated case management information system (ICMIS). This feature also filing of cases of online digital cases under (ICMIS).

Now we see that modern India while has framed the information and communication or electronic technology has just about to prove a new line of thinking or we say that new thinking's in the modern Indian judicial system. it is all about the review of development in the administration of judiciary to do such things to be achieved are going to be considered in the light of artificial intelligence and it is used in the sentencing process. Like video conferences from jail to court, court to witness are some innovative things that are going to be discussed or things. If these have come, then we see how the computerization in the judiciary has become an effective tool for bringing down the pending cases and to reduce the delay.

Speed up to deliver justice- In India we see that there is much more time is wasted because time is spent on traveling to from the court and it can be reduced or save the time in travel to the courtroom more cases can be handled and at a faster pace this increases to deliver a justice experience for citizens as they spend less time waiting for the legal process to unfold decision in which have the major impacts on their lives and businesses.

To provide better witness protection for victims of crimes- Those who have been abused or escaped from human trafficking or who may have to traumatize or face the accused in the court can use or only solutions are is used video conference to feel safe and secure.

Judges can work from anywhere- Judges can remain connected from any locations from home offices while maintaining the lives of visual communication with officers and magistrates for hearing a sensitive case or such as for arrest warrants.

After the independence of India, the population has also increased but also the pendency of cases has grown in a multidimensional way and the backlog of cases has grown and ultimately the virtually overburdening the judiciary and some of the judges are says that probably to clear the outstanding pendency are needed another 320 years [8]. The object of this to bring the reduction in the period of disposal of cases and to reduce the pending cases on time-bound period is the predominant importance.

The former chief justice of India Dr. M. N. Venkatachalih says that "now it's time for the country to take a serious and extensive look at the entire legal system with the special attention to the problem of the legal system and already we lose too much time and the little things were done to sort out the problem that undermines the rights of litigants and accused damages the credibility of the Indian judiciary and the weakens are very basis of the democratic order." [2]

Now the responsibility has come on the judges that they do

not only decide the disputes but also have acted as an administrator in the administering the affairs of his courts and should act as a good manager there is lack of administrative capability and facilitating the judicial work in on time-bound manner had created a situation of poor management of resources.

## 5. Features of System

The entire courtroom proceeding are video graphed by using high-resolution cameras and the control of the whole proceeding recording is on the hand of the judge who can start or stop at any time during the proceeding and the evidence like (knife, gun, etc.) and also other case-related documents, file notes summons orders, etc. have been scanned and digitized via scanners and are available to only authorized persons like the judge, lawyers, and public prosecutor for reviewing.

The system is integrated with the video conferencing system with the other locations over broadband IP or ISDN network these locations can be police stations, jail, or hospitals. This takes a great advantage to save time and cost and it is much safer too.

These are the following features of the system

It was only accessible by authorized persons or users.

### Court functioning without technology

Carrying of the case file and evidence to the courtroom at each hearing.

Carrying of evidence if required by the judge for review.

The case documents and the evidence of case files are submitted manually in the court by police, forensic team, and other stakeholders.

And if they accuse/witness have not come on the scheduled date and time then the case delays many years for the final herring.

## 7. Digital Revolution

Digital Revolution offers few opportunities for those who provide legal aid and education to low-income people and their communities. New technologies enable us to create a higher work quality product to lead better research to learn faster and the most important thing is that advocates and clients can find relevant information on the internet and make new programs so that everyone can communicate more

Upload the scanned files or evidence.

It allows the judges that they saw the recording of proceeding for the review of the case and why the case was rescheduled last time.

And the information of content is available for (24\*7)

Live webcast of the case proceeding through the web portal.

## 6. Court Live Proceeding

The courts proceeding are live and it was seen on court website by an authorized person or if anyone wants to see the proceeding (lawyer or other concerned people) then they can see the live proceeding then first they fill the online registration and after reviewing the application by the administrator and then after they can access a particular case. Without technology and / with technology in the court When we think about the judicial process or a court then the first thing that comes to our mind is that thick files and hot arguments between the lawyers.

And when we start uses the technology then the judge can view the recordings and other related documents of a particular case on just one click and as a result of which both judge and lawyers save the precious time and come directly to the point by reviewing the recorded video.

### Court functioning with technology

No need to carry a case file and evidence at each hearing the all are available at just in one click of the mouse by the judge and concerned staff and also they reduce the human load on the court

Different courts can share information online.

Through police, the forensic team and other stakeholders can upload the required documents to the case file from their premises itself.

With the help of video conference facility accuse/witness can also present in the court proceeding.

easily. In the last 10 years, we have experienced a digital revolution and these changes are happen when the time was changed and it begins with the creation of the internet and the web-browser this revolution has changed that how we work, play, and communicate and this obtains goods and the services. But the pace of change is not same in the all sectors of society.

The advances in technology:

The advocates and the clients both can share legal

information through the internet and email.

To provide brief advice and services to the client by posting information on the internet.

For the better case management and the data collection along with automated templates for document creation.

An improved communication system between lawyers and their clients through new telephone system technologies are cell phones and video conferencing.

The recruitment of staff is through e-mail and the internet.

Increased training opportunities for advocates.

And also created a greater community through e-mail and the internet.

Digital technology can be used in three functional categories

To improve the program and office management.

To increasing assistance and information for the advocates.

Improve client education prevent legal problems and assisting prospective litigants.

## 8. Result

The results show that the evolution in the Indian Judiciary system. The evolution is not only at the level of operation but also at the level of execution. India is a world's second largest democracy and the Judiciary is the important part of the Indian democracy.

Importance of digital technology is not only limited to the business world but it also important for the governmental operation and judiciary is another area where digitalization is required in current era. The research focuses on showing the importance of digital technology in Indian Judiciary and how the operation and execution of judiciary can be improved with the help of technology. Very limited research available in this field and it is very important to talk about the importance of technology in Judiciary.

The result also shows that the effective initiatives taken by the government and understanding the importance of technology. The use of technology will make us ready to face operational challenges in any kind of disaster and COVID-19 is the latest example when everything in the world has stopped but the technology is helping us to face this challenge.

## 9. Discussions

In today's world, we see that modern society while has to frame the information and communication or electronic technology has just about to prove a new line of thinking, or

we say that new thinking's in modern Indian society. India is the largest consumer of Internet Data in the world and has the second largest population of Internet users. It is all about the review of development in the administration of judiciary to do such things to be achieved are going to be considered in the light of artificial intelligence and it is used in the sentencing process. Like video conferences from jail to court, court to witness are some innovative things that are going to be discussed or things.

## 10. Scope for Future Research

The first thing which is for the future aspect is that to give education on technology use because without proper education the theology in a person will not come out. Swami Vivekananda said that "the education is a process of unearthing the hidden features in a person." Education is not a mere reading or writing or viewing a computer. It is a process of personality building. And also, education is important for the all-round development of a country.

It is integrally linked with the development process. If we see after the independence of India, the education policy of the government of India has been framed as would provide free compulsory education to all children at the age of 14 years. But keeping pace with the fast-growing field of information technology (IT) where we see that the sky seems to be the limit so far as employment is concerned a law student cannot neglect the information technology.

Impartation legal education is one of the noblest professions. The study of legal education does not mean to study only the texts of law in its bare but also study something more that is to have economic social and political aspects. For the exposing of truth, a thing that comes out from the different types of information a person has gathered. Legal education is not only meaning to produce good lawyers but also intended to have produced good and proper citizens for future nations because they have a concern regarding human values and social requirements.

To have disciplinary studies of IT plays a positive role the student of a law school environment would not restrict them to bookish knowledge but would enable them to know from all walks of life. Like a digital library, digital archives, usage of IT or technology with care and caution in the future, and also to do research the IT (Information technology). Technology is one of the recovery systems which can be developed with the help of faculty of law and the computer science department and the second area in which the computers can very usefully be employed is artificial intelligence system with the several types of stereotype cases can be decided with the help of computer programmers at more and quicker decisions.

The law faculty would be actively taking a part in collaborative research with the computer science department this needs to be pursued smartly to design meaningful computerized programs as a settlement mechanism.

## 11. Conclusion

Now we presented the art technique to introducing the technology in Indian courts for digitally preserving case files and visual information in seriatim sequence and technology has proved its way and also made a company inroad into the judicial filed of the country.

And in the recent meeting, the law ministry's department of justice says that the pendency of cases can be reduced in India and also says that "any time anywhere dispute resolution". And the government has taken the initiative to computerize the court in India almost two decades back. The system has been proved in very effective cost from time to time and technology has created hope of getting speedy justice from the Indian courts and the other quasi-judicial bodies and one day we say that justice is not delayed and cases are closed promptly.

## References

- [1] Rishi Prakash, T. Mohanty, Ramji Gupta, and Vinay Jain, "ICT in Indian Court Challenges & Solution," in *International Journal of Internet Computing (IJIC)*, vol. 1, no. 2, 2011.
- [2] Rishi Prakash, T. Mohanty, Ramji Gupta & Vinay Jain (2011). *ICT in Indian Court Challenges & Solution*. *International Journal of Internet Computing (IJIC)*, ISSN No: 2231 – 6965, Volume-1, Issue-2, 2011.
- [3] [http://interscience.in/IJIC\\_Vol1Iss2/paper4.pdf](http://interscience.in/IJIC_Vol1Iss2/paper4.pdf).
- [4] <https://economictimes.indiatimes.com/news/politics-and-nation/out-of-43-lakh-cases-pending-in-high-courts-over-8-lakh-a-decade-old/articleshow/69974916.cms?from=>.
- [5] Sen A (1988) *Laxman Sahu vs State of Orissa*. AIR 1988 SC 83.
- [6] Chauhan B (2011) *State of M. P vs Ramesh And Anr*.
- [7] Bhandari D (2010) *Darshan Singh vs State Of Punjab &Anr*.
- [8] Upadhyay, M. H. 2015. "E-Courts in India and E-Judiciary in India," *International Multidisciplinary Research Journal (7637: 7)*, pp. 2–5.
- [9] [www.financialexpress.com/india-news/big-push-for-digital-courts-in-india-here-is-what-modi-government-is-doing/1134289/](http://www.financialexpress.com/india-news/big-push-for-digital-courts-in-india-here-is-what-modi-government-is-doing/1134289/)
- [10] Bravy, J.; Gary J. and Feather, K. C. (2001). The impact of electronic access on basic library services: one academic law library's experience. *Law Library Journal*, 93 (2): 261, 267.
- [11] <https://vikaspedia.in/e-governance/online-legal-services/how-do-i-do>.
- [12] Quoted in, Justice R. B. Mehrotra, "Court Management", *J.T.R.I. Journal*, First Year, Issue 3, July – September 1995.
- [13] <https://www.newindianexpress.com/nation/2020/mar/16/judiciary-to-soon-get-digital-justice-platform-2117173.html>.
- [14] Robinson, Nick, *Judicial Architecture and Capacity* (October 4, 2014). *The Oxford Handbook of Indian Constitutional Law* (Sujit Choudhry, Madhav Khosla & Pratap Mehta eds., 2016, Forthcoming).
- [15] Minutes of Meeting held on 21 July 2017 under Chairmanship of Dr G N Raju, Secretary, Legislative Department, Ministry of Law & Justice provided in response to the RTI F. No 7/15/2019.
- [16] Ardia, D. S., 'Privacy and Court Records: Online Access and the Loss of Practical Obscurity' (2017) *U. Ill. L. Rev.*, 1385.
- [17] *Salem Bar Association v. Union of India*, (I) SCC 49, AIR 2003 SC 189 (2003). In 2011, Supreme Court in the case of *Rameshwari Devi v. Nirmala Devi* laid down major guidelines for management of cases in civil proceedings.
- [18] *All India Judges' Association v. Union of India*, 4 SCC 247 (2002).
- [19] The increase in the workload of the High Courts was observed by the High Courts' Arrears Committee, 1949, as quoted in the fourteenth Law Commission Report.