

INFORMATION & COMMUNICATION TECHNOLOGY AND JUDICIARY

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Scientific Development in the field of Information and Communication Technology (for short, 'ICT') confirms with assurance that knowledge is universal and it is available to anyone, who is capable of using the technology. This wonderful revolutionary technology of the twentieth century has the potential to carry the human civilization on its back to unknown height of development.

The process of computerization of judiciary, which was started in India almost two decades ago has enhanced transparency in the Court management and made judicial as well as legal databases of the Courts available and accessible to everyone on the touch of a button.

The day is not far, when a Judge sitting in a courtroom will be examining the case records on the flat screen of the computer laid on his tabletop. On touching buttons of the computer the Judge will be able to turn pages of the case records, turn the pages of the documents, video record the evidence, of the witness and keep the record of the arguments advanced by the counsel, hunt for the case references and citations of different decisions from the electronic journals and on conclusion of the hearing of the case deliver his order or judgment by dictating to the microphone attached to the computer with the help of Voice Recognition Software. Thus, certified copy of the judgment or order delivered by the court can be readily obtained online, on the website or in the certified copy counter of the Courts.

It's only a question of time, when Hon'ble Judges of the Supreme Court sitting in e-Court room at Delhi in front of life size LCD projector screen will be able to view the learned counsel advancing arguments at e-Court Bench of the Supreme Court of India, stationed at Guwahati. Similarly, Learned Counsel at e-Court Bench of the Supreme Court at Guwahati will be replying to the queries of the e-Court of the Supreme Court, on a life size LCD projector screen.

A few years ago , all these seemed like excerpt from a science fiction, but as we see today , 'ICT' is a reality and in coming days it is bound to radically change the outlook ,not only of the Court proceedings, but the civilization as well.

The primary reason behind justifying the existence of any functional judicial system is to ensure dispensation of justice at the earliest opportunity. In a democracy like ours, Judiciary plays significant role in adjudicating the rights of the litigant public. It has been established beyond doubt that with the help of Information Technology the process of dispensation of justice can be made easier, more convenient, accurate, less time consuming, less expensive involving lesser manual labour. Introduction of Information Technology in court management has apart from reducing the movement of files and records attended by transparency in the entire system of administration of justice has also made it possible to expedite dispensation of justice.

Judiciary in India is caught in a vicious cycle of laws delays and backlogs. As a matter of fact backlog of cases causes frustrating delay in the adjudicative process and at the same time, it causes frustrating procrastination in the adjudicative process and at the same time, backlog puts extreme pressure on the existing process of adjudication. This development grows on with no noticeable solution just around the corner.

The reason for delay in the administration of justice is both systemic and subjective, which may be a result of adversarial or accusatorial character of the civil process practiced in our justice system, which, it is said, provides wide maneuvering power to the lawyers. Slow service of summons further slow down the process, which effectively stays the trial and delays disposal. Long drawn out process of litigation may financially benefit the 'gens-de-robe' as well as profit the vested interest of the concerned parties, but the disposal of litigation is delayed.

Good Court administration is an essential prerequisite for quick disposal of litigation. Court staff equipped with modern technologies is indispensable for good administration.

Information and Communication Technology needs of the Judges are diverse. With the help of a good quality and well practiced Voice Recognition Software, a Judge can dictate a judgment to the computer, which will directly convert such dictation into a readable language. This will not only minimize dependence on staff of the Court but also save time and man-power.

On many occasions, criminal trials get adjourned for the absence of the under trials in the Court resulting in unnecessary and avoidable adjournments. Here again, video conferencing facility, from the court to the prison, where the under-trials are housed, will be able to take care of the problem.

A computer placed on the tabletop of a judge will also help to balance the number of cases on a particular date on the touch of a button.

Information Technology will be equally useful for the legal professionals. Freshers in the legal profession will not have to strive hard to learn the intricate procedures followed by the courts in filing a case.

An advocate will not only be able to easily excess the next day's cause list, on the Web, at the end of the day, but also will be able to sort out his cases. When an advocate appears in the court, for advancing arguments, he can avoid carrying huge volume of books, for the purpose of citing relevant decisions in the court, instead he will easily carry a CD or a Pen-drive loaded with power point presentation of the arguments of the case in his pocket and argue his case by projecting the decisions and the citations on the big size LCD screen fitted inside the Court rooms, with the help of Laptop, whenever necessary. This will not only be of great assistance to the advocate but may also prove to be of immense assistance to the court.

An advocate will be able to see the order passed by the courts on the website and will be able to obtain a certified copy thereof without really applying for it and waiting for a week to 10 days (as it was before) to receive the certified copies. Innovation in ICT has made it possible. Few months back the Gauhati High Court with the assistance of NIC has started to upload day to day judgments and orders in the Gauhati High Court website. In this way, it is apparent that the computerization in the judiciary will be of immense help to the entire legal fraternity.

Information Technology needs of Registry of the courts are numerous. In the filing counter, court fees can be automatically calculated with the help of computer. The filing clerk in the filing counter will be able to calculate the prescribe period of limitation in filing the case with the help of the software installed. Caveats filed in connection with the case will be automatically reflected. Computerization will not only reduce much of the work of the Registry, but it will also speed up the filing process and thus reduce the job of the registry, with assurance of accuracy.

There are computer applications which can allocate listing of the cases automatically to various courts depending on the subject category and the availability of courts on a given day. Appropriate software can generate cause-lists automatically and send it to the advocates by electronic mails or make it available on the web, which will be accessible to the advocates and litigants. It has also helped in automatic preparation of Advanced Cause-list, as per the fixation made by the Courts.

When a computer generates cause-list automatically, manual intervention is eliminated ensuring publication of cause list in time, without any irregularity in listing the matters strictly in chronological order.

Computerization has made it possible to group/bunch and list all such cases having similar substantial questions of law, to be decided by the courts and posted before one Bench, for disposal.

ICT has immeasurably contributed to the development of human civilization and is reaching out in every aspect of our life. Science fictions have become reality and many such mind-blowing realities are in the offing. Like many other areas Indian judiciary has also shown tremendous progress in extensively using ICT. The software market is agog with legal databases like SCC online, Legal Eagle JUDIS, Judgments Today, Grand Jurix, Gujarat case laws, Gujarat Code, India Code, IT Act, Companies Act, Electronic Dictionary, Electronic Encyclopedias etc. Text of judgments and head-notes of the decisions of the Supreme Courts are available for fast and easy retrieval of the required law points with easy user friendly search facilities. We have started visualizing bookless electronic Law Library and paperless office in near future.

We can hope and trust that Information and Communication Technology, which is said to be the future of human civilization, will surely find a solution to the scourge of laws delay.