

Technology and Judiciary

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We are half way through the first decade of the twenty first century. We have well and truly entered the new millennium. At the same time, the Industrial Revolution that began three centuries or so ago, has given way, for the Industrialised world, to the Information Age. What does this information age involve? The information age is revolving around the advances so far made in Telecommunications and Information technology. These consist of hardware, software, and media for collection, storage, processing, transmission, and presentation of information. We are talking of communication and computing equipment and programmes, which include satellites, switches (phone exchanges), transmission lines, computers, modems, operating systems and applications.

Of what relevance is this revolution to a judicial system? If the way people work, live, and play is changing this would no doubt affect the administration of justice as it is part of this changing world. The Judiciary ought to take advantage of the new developments that may enhance the delivery of its own services. Of what relevance is this revolution to a judicial system? Judiciary forms one of the most important pillars of a democracy. So to empower it, one needs to take upgrade it with the help of technology. "Technology can help in bringing down the number of unsolved cases in the lower courts. It is disheartening that despite India being an IT major, technology has not touched the judicial system . . . Technology will also bring in transparency and accountability in the lower judiciary and the performance of the judicial officers can be open for scrutiny.

Legal experts say that technology can help fill up the loopholes in the system. Case management will become easier The Judiciary ought to take advantage of the new developments that may enhance the delivery of its own services.

The main business of the judiciary is to hear and determine cases in a fair and timely manner at reasonable cost. In doing so there are processes that lead to the conclusion of the cases before the courts. The processes must be efficient in the sense that they provide value for money. The resources so employed must be utilised in a non-wasteful manner leading to the most optimum allocation and utilisation of the same. Secondly the processes must be effective in the sense that they are able to achieve that which is sought.

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Text Creation, Storage and Retrieval

Apart from the hearing function, judges have to produce written judgements, rulings, and reasons for the decisions that they continuously make. After the advent of the typewriter, the judges gave dictation to the typists who then type the same out in typescript. If he makes any mistake then whole order and judgement has to be teared off and then again has to be typed. Which is the wastage of valuable time

and paper .With the advent of computer it is now possible for a judge to produce a decision much faster that way. And because of the ability to manipulate different documents through copy, cut and or paste, or working from templates, or using micros, it is now much easier to produce a document with the information you want included into to. On the same computer or other storage medium, it is possible to store the document, and retrieve it very fast, call up other documents, without having to move from your work station. In the result judgements, decisions and or rulings can be produced much faster in final form for release to the parties. IT definitely makes production and release of decisions much more efficient than was previously the case. The copies of the same are available electronically as they are produced digitally. And even if they have been produced manually, and only hard copies are available it is possible to scan them and convert them into digital format. This creates an opportunity of creating and maintaining an electronic copy of case file that would eliminate problems of loss of the physical file.

Improved Access to the Law

These include Statute Books for legislation; Law Reports for case law and Oral Tradition for Customary Law. The medium for storage of the legislation and case law was, previous to the advent of the current information technology, only available through hard copy in book form or printed or typescript. It is now possible to keep both legislation and law reports, not only in hard copy and book form, but also in digital format, on CDs and other storage media, online (Internet/Intranet), or on stand alone machines making it much easier for a judge or member of the public to search and obtain the provisions of the law.

Recording of Court Proceedings

. It is now possible to have digital audio recordings of voice on the computer, allowing the judge capacity to annotate this record and listen to whatever portion he may want to listen to later. The record so recorded would have to be transcribed into a hard copy format (for as long as a hard copy file is maintained), of which e-versions would be available too. It is also possible to have instantaneous recording of proceedings by court reporter which can be viewed by the judge and counsel at their respective desks as the proceedings continue. The advantage of the digital format is that it is easy to manoeuvre whether it is text, voice (sound) or images. This experiment is yet to be implemented in our courts. It will also help appellate courts to understand the statement of the witnesses in the manner they stated.

Case Management

Computing has greatly enhanced our capacity to capture study and manipulate data producing reports and other records that one might be interested in. It is possible using programmes that can be developed to track events and cases with a view to availing the decision maker information in a timely manner. Computing is able to do so in considerably much less time than if the same were done manually. Equipped with this information, it is possible for the decision maker to take appropriate action, to move a case forward, or to assign it, list it for trial or take whatever action is appropriate.

Communication

It is both in the interests of the Judiciary and in the public interest that the public gets to know and understand what is going on the Judiciary in relation to its mandate. The public ought to know what problems the judiciary is having and what it is doing to tackle them. The public ought to know what the judiciary is doing with the resources entrusted to them in carrying out its mandate. . One of the easier means of doing so is to go online with the requisite information about activities, problems, and solutions taken to tackle the same in the form of timely reports and updates. The benefits Most of the debate about the use of technology to assist public understanding of the criminal trial process to date has centred on the question of televising court proceedings. That debate, itself, has moved on over the past couple of years as technology has made possible to broadcast live sound and vision of court proceedings on the Internet. The Federal Court has used this audio-visual streaming technology to publish 'live' judgments on its website. The New South Wales Land and Environment Court recently announced plans to make transcript of its hearings available to the public on the court website and several recent Royal Commissions, have enabled the public to follow proceedings in this way. In theory, this technology combined with digital audio recording of court proceedings, would enable each court to become the electronic broadcaster of its own live court proceedings. The proposition that a court website might become an extension of the public gallery raises some difficult issues, some of which have already been canvassed in the debates about televising of court proceedings. It has the potential to increase public knowledge and understanding of the work of the

courts. However, there are issues about privacy that also need to be carefully considered. How

would we feel about the transcript of rape victim being made available on the Internet? What

about the possibility of jurors being able to access portions of proceedings relating to rulings made

in their absence? Do courts have to consider differential access rights to some material for parties

and the public? There are no easy answers to these questions, but again, the issue is not the technology, but rather, how we use it. The Financial Matters

The financial matters have routine work. The use of computer in this arena can be beneficial in following manner...

1. Calculation of the Court fee and other charges has become very easy
2. Proper cash receipts are issued to the litigants / lawyers
3. Due to online transparency, chances of corruption are minimum
4. Periodical financial statements like budget can be generated easily

5. We are half way through the first decade of the twenty first century. We have well and truly entered the new millennium. At the same time, the Industrial Revolution that began three centuries or so ago, has given way, for the Industrialized world, to the Information Age. What does this information age involve? The information age is revolving around the advances so far made in Telecommunications and Information technology. These consist of hardware, software, and media for collection, storage, processing, transmission, and presentation of information. We are talking of communication and computing equipment and programmes, which include satellites, switches (phone exchanges), transmission lines, computers, modems, operating systems and applications.

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Arguments by Video Conferencing

The Information Commissioner under RTI Act in Delhi, in 95% of the cases, is carrying out 'Arguments by Video Conferencing' particularly for the litigants from far off places like Kerala and Assam vide news item published in Economic Times, Mumbai dated 19.12.10. The litigant has to walk down to the nearest Collector's Office where all the facility for video conferencing are available and carry out the arguments through Video Conferencing with the said Court in Delhi. This saves lot of time and costs of the litigants. When the above Court in Delhi can carry out such process of oral arguments by Video Conferencing, the

Supreme Court can also adopt the same system immediately particularly for the litigants from far off places. The other benefits of it can be as follows....

Ø Trial is expedited with use of this facility

Ø video-conferencing technology to conduct remands and hear bail

applications. Its advantages include savings in transportation and personnel costs, reduction in security problems and in waiting times for both the court and those in custody

Ø Multiple trials of an accused lodged in one jail is possible in different states

Ø Evidence of witnesses unable to come to Court can be recorded

Ø In child sexual offences, minor witness can be screened from the accused by use of this facility

Video Arguments by the Advocates

Such 'Video Arguments' are being prepared and presented in USA for past several years. The arguments is prepared on a PowerPoint Presentation which shows all the documents, records, judgments etc with narration. It is recorded on a CD and submitted to the court with copy to the opposite party. There are numerous advantages of such method. It saves time of the court as well as the advocates. It improves the quality of the judgments as the Judge need not note down or remember anything. This will be available even if the Judge is transferred as well as to the appellate and higher courts.

The 'National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary' prepared by the E-committee of the Supreme Court of India in 2005 deals with various similar proposals made by us. The Chief Justice of Supreme Court of India is holding annual meetings with the Chief Justices of all the High Courts but the results are very slow and insignificant. Mere publication of cause lists on the internet on the web sites of the courts and e-filing in the Supreme Court (that too is not working properly) is a very small fraction of the proposals in the said Policy and Action Plan.

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- ∅ Cost and manpower in producing under trials only for remand extension can be saved
- ∅ Multiple trials of an accused lodged in one jail is possible in different states
- ∅ Evidence of witnesses unable to come to Court can be recorded
- ∅ In child sexual offences, minor witness can be screened from the accused by use of this facility

Conclusion

It is also important to remember infrastructure includes the provision of adequate training and technical support. That training and support needs to recognise the realities associated with workflows in busy courts and accommodate individual work practices. Judges, and magistrates, require an understanding of the technology not only to help them use it, but also to help them deal with some of the issues that arise in relation to its use in their courtrooms. Their more widespread and effective use in the criminal trial process requires a basic infrastructure of modern technology, a willingness to engage with the tools it provides and to consider their use in appropriate ways. In many respects we are really only beginning to consider possible applications

for the use of technology in the criminal trial process and the issues associated with its use.