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## Examining the Role of Technology in Expediting Judicial Processes: Insights from India's Judicial Reforms

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### Abstract

Even the legal profession is not immune to the pervasive influence of technology and innovation in today's dynamic and unpredictable environment. The fast transformation of the legal environment into the 21st century is undeniable. The myth that lawyers spend all day reading through stacks of paperwork is a thing of the past. New forms of legal technology are changing the game for lawyers. The Indian legal system relies heavily on legal technology, sometimes referred to as tech law or just tech. It includes a wide range of technologies that may be used to enhance the efficacy, accessibility, and efficiency of legal services, including AI, ML, automation, VR, AR, and data analytics. When people talk about access to justice, they're referring to both the efficiency of the court system and the quality of conflict resolution in general. The time, money, and effort required to access justice is disproportionately high, and the process is riddled with mysterious terminology and convoluted procedures. Factors of promoting legal health, preventing disputes, and resolving existing ones all contribute to expanding access to justice. Recognising a legal problem and then choosing the right service to handle it are two separate but related processes. The people who aren't attorneys yet need to hear that there's an issue that needs legal attention so that they may take action. It is imperative that technological advancements in the judicial system and societal engagement in the administration of justice expand access to justice. Services, including choosing the right service for the case, are crucial since they dictate how well the court system works. This paper takes a close look at how many players in the judicial system are working together to make sure that people can utilise technology to receive the justice they need.

**Keywords:** Access to justice, technology and law, advanced tools, judicial process and justice system

### Introduction

A watershed moment in human history has occurred with the advent of computers and other technological advances in the information sector. It has caused a dramatic shift in every aspect of human life. It has improved production quality, productivity, and efficiency across all industries. Organisations of all sizes and in all corners of the globe have made remarkable strides in productivity, effectiveness, and resource utilisation thanks to the widespread use of IT. Computers and other forms of electronic communication allow for the rapid and accurate processing of massive amounts of data, the transfer of relevant information across geographic regions, and the facilitation of better decision-making. All sorts of public institutions, from the legal to the governmental, have benefited from these capabilities, making them more efficient and responsive.

Even though India was part of the Information Revolution a while back, not every part of life has been equally affected by automation. The subordinate judiciary in particular has not been impacted, therefore manual systems and outdated work techniques are still in use. Subordinate court automation has the potential to alleviate some of the severe issues now confronting the judiciary as a result of backlogs, delays, and arrears.

It is common knowledge that the public, judges, and courts all have difficulties while trying to get justice due to backlogs, delays, and costs. Although these issues have numerous facets, one way in which information technology (IT) might improve things is by increasing operational efficiency, coordination, accessibility, and speed. But things are moving at a snail's pace right now, especially in the subordinate court system, and we won't see the results we're hoping for anytime soon. To make a real dent in enormous issues, one must dedicate sufficiently huge resources and launch substantial projects.

Implementing a reliable judicial management information system in India might help alleviate some of the problems with delays, arrears, and backlog that have been pointed out by judicial commissions and committees. Using computers for case management, file management, and docket management can greatly maximise efficiency. Computers will improve efficiency and cut down on wait times in the following specific areas <sup>[1]</sup>.

- a) Bases of legal information.
- b) A method for searching rules, statutes, precedents, citations, etc., online.
- c) Creating a Cause List and Statistical Reports for Online Access.

- d) Caveat matching over the internet.
- e) Querying, tracking, and "flagging" of occurrences in real time over the internet.
- f) Combining rulings and orders.
- g) Using case-specific historical data, generate a daily list.
- h) Create notifications and procedures using word processing using standard templates.
- i) Use of databases on a global scale.
- j) Reports on user feedback at different levels.

All of the aforementioned are potential domains for the well-planned introduction of IT. In instance, the Presiding Officers, not the solicitors, would have greater oversight and management of cases if they were able to keep tabs on them. In order to increase productivity and speed decision making at all levels, computerization should be complemented by the usage of tools such as fax, email, video conferencing, and others.

The term "e-access to justice" refers to the ease with which people can communicate with the legal system through electronic means, such as online application filing, case hearings, and the transfer of documents between attorneys and various branches of government, public offices, and legislative bodies. The public should be able to see the schedule of cases in a database accessible via a website, and the documents should be translated into the local languages to provide accessibility to justice. The "e-courts" initiative, launched by the Indian government, makes India's district judiciary more accessible to the general public by making its contact information, case list, and daily orders widely available online. The use of technology to advance justice necessitates the availability of internet services, tele-services, electronic records (also known as digital records), and online decision-making capabilities. These innovations have the potential to revolutionise the judicial system, alter professional practices, decision-making methods, and the public's perception of justice.

Use of technology in the legal field aims to accomplish the following goals: equitable distribution of court resources; decreased costs associated with administering justice; enhanced services for litigants; enhanced professional tools; and the secure enforcement and recognition of judgements. Since both under-and over-reporting may have negative effects on interference with the judiciary's operations, civil society organisations should be included when media outlets cover trials and judicial accountability. Freedom, accountability, fairness, accessibility to everyone, openness, privacy, and lawfulness were the tenets of the e-justice model<sup>[2]</sup> proposed by Delone and McLean.

### Technology and Law

There are a number of ways in which the legal profession and the fair administration of justice may benefit from the use of technology in the legal field. It has changed the face of the judicial system by replacing antiquated practices with cutting-edge methodologies. Among the many advantages of legal technology are the following: better case management; cost savings; easier access; more transparency; faster processes; better data analytics; predictive insights; and large data storage space. Legal research is also improved. Document management, legal research, and scheduling are just a few examples of the mundane but necessary jobs that technology has made easier for legal practitioners to automate. Consequently, administrative hassles are decreased,

productivity is enhanced, and greater caseloads may be handled.

'New Normal' regulations mandated the use of virtual software by all court employees, including judges, advocates, lawyers, and others, during the current COVID-19 problem. Another lesson that individuals learned from the epidemic is the need of using what they have to develop alternatives and long-term solutions. Collaboration platforms used by legal practitioners included Legodesk, Microsoft Teams, Google Docs, and others. Lawyers may now collaborate on documents in real-time, exchange information, and communicate more efficiently thanks to cloud-based platforms and collaboration tools. Legal tech allows for quicker and more accurate research by giving experts immediate access to massive databases of legal material. Legal professionals may use it to better understand the law, identify applicable precedents, and construct compelling arguments<sup>[3]</sup>.

The rule of law serves as a regulatory device to rein in governmental actions and a check on governmental authority, allowing individuals to have reasonable expectations met. Regarding technology, it acts as an instrument that involves the outcomes it produces and as an autonomous actor to accomplish certain goals that are beyond the control of humans. In order for litigants and courts to exchange the necessary paperwork for electronic filing, a wide range of technology applications must be associated. By establishing a judicial identity and facilitating the interchange of documents in this regard, electronic filing aids in the structural organisation of the court operations. The jail system, public prosecutors, courts, and police all play significant roles in the justice delivery system, and these institutions must work together. One use of videoconferencing in the legal system is to eliminate the need for witnesses to physically appear before the court from afar; this also solves the problem of prisoner production security concerns. The utilisation of technology has revolutionised traditional court practices and fostered better communication among court users. This includes online document assessment, electronic filing, interactive interviews and opinions, live video telecast systems, court security, and the broadcast of court proceedings.

In 1994, the Washington State Supreme Court established the Washington State Access to Justice<sup>[4]</sup> organisation to oversee the creation of the *Access to Justice Technology Bill of Rights (ATJTBoR) committee*. This committee was comprised of judges, clerks, and other court staff members, and its purpose was to evaluate the state's current and future use of technology in the administration of justice. A separate team of experts from academia, law, and technology was hard at work developing the perfect system. The next step was for a panel to do in-depth research into how technology was influencing different areas of criminal justice administration.

In order for court officers to effectively plan and develop their use of technology on a daily basis, it is necessary to embrace best practices via the use of templates and documents that serve as tools. Members of the justice delivery system may have specific fears due to the use of technology, including<sup>[5]</sup>:

- a) **Less Administrative Leeway:** Despite the use of modern technology, the prospect of more administrative duties is always a worry. One of the guiding principles for technology usage is that the government should respect the rights of individuals and organisations without infringing on theirs.
- b) **Unfunded Requirements and Costs:** When technology is adopted, it must be cost-effective and not waste cash. This

is because, in the near term, using existing funds would result in expensive services, which may be a barrier to adoption.

- c) **Difficult Tasks:** Addressing the concern of pricey public-access network availability is another obstacle to improving justice via technology.
- d) **A Focus on Outcomes Rather than Processes:** When policies are crafted with an eye towards results, the legal systems aren't necessarily built with the processes in mind. This neglects the processes that are necessary to achieve the policy's objective, which in turn impacts the systems' functionality.
- e) **Generalizability vs. Specificity:** Governing the norms of technology usage requires a balance between general and particular principles, and the adoption of "best practices" to address unique circumstances.

### Utilisation of Advanced Technologies by the Supreme Court <sup>[6]</sup>

In recent years, the Supreme Court of India, High Courts, and other legal companies have been actively implementing necessary measures to include and use technology in order to streamline and expedite their tasks. In the case of Swapnil Tripathi vs. Supreme Court of India (2018), a panel of nine judges made important rulings on the principles of public access to information, open justice, and openness in the judicial proceedings. The primary inquiry discussed was whether judicial sessions should be live-streamed. The Supreme Court determined that the live-streaming of court hearings is clearly in the best interest of the public. Reiterating the importance of live-streaming as an extension of the fundamental principles of open justice and open courts is crucial. Nevertheless, the process of live-streaming must to be governed by well-designed criteria.

On August 26, 2014, the E-committee had a conversation with the Supreme Court and High Courts to establish important regulations for live streaming of Court hearings. During the debate, they also addressed issues about the confidentiality and privacy of litigants and witnesses. It has been noted that courts should use technology to improve the concept of open courts by expanding accessibility from physical to virtual means. The E-committee said that ICT (Information and Communication Technology) has been integrated into the Indian court so far in the Legal environment. Furthermore, a singular integrated Case Information System (CIS) Software has been created to meet the varied needs of the nation in terms of local processes, practices, and languages. The E-committee's report highlighted additional service delivery platforms such as the e-Courts Portal, Mobile App, SMS Push, SMS Pull, Automated E-mails, E-Payment, E-Filing, Touch Screen Kiosks, and Service Centre.

The Supreme Court of India issued an invitation on May 23, 2023, requesting Financial Bids, Technical Bids, and EMD for the purpose of designing, developing, and implementing AI technologies that may transcribe Court sessions and arguments. According to the official announcement, the conference was scheduled to take place on June 12, 2023. The primary topic of discussion was the "Design, Development, and Implementation of Artificial Intelligence (AI) Solution, Tools for Transcribing Arguments and Court Proceedings at Supreme Court of India." In a recent development, on July 03, 2023, the Supreme Court resumed its activities after the summer break. Notably, the courtrooms have undergone a significant technological upgrade, including a cutting-edge

LED video wall, advanced digital video conferencing capabilities for communication and cooperation, and the provision of complimentary WiFi access. During a recent occasion, Chief Justice of India DY Chandrachud suggested that the Indian Judiciary's next course of action involves using artificial intelligence (AI) to translate judgements into several regional languages spoken in India. The Prime Minister of India, Narendra Modi, praised the initiative, describing it as commendable.

### View of Indian Judiciary

The accused's personal attendance was waived and the procedure was held from Tihar Jail in Delhi using video conference in order to ensure a fair trial in the case of *Kalyan Chandra Sarkar v. Rajesh Ranjan aka Pappu Yadav* <sup>[7]</sup>. To make sure the statements recorded under section 313 aren't just a formality, the learned trial judge additionally made sure the accused was accessible via video conference before they were recorded. While the accused were held in a separate city. Allowing the interrogation of witnesses using videoconferencing was authorised in the case of *State of Maharashtra Vs Praful B Desai* <sup>[8]</sup>. It was argued that the accused's rights under Article 21 of the Constitution were violated since the issue of witness questioning via video conferencing was equated to virtual reality. It was discussed that in a virtual reality scenario, one is induced to see, hear, or imagine something that does not really exist. For example, it is possible to create the illusion that the user is in a chilly room even when they are really in a humid environment. While virtual reality and video conferencing are incompatible, modern technology has shrunk the globe to the point where we can witness a sport taking place in another country in real time. Even though it's not virtual reality, a spectator at the stadium will experience the same realism as someone watching the game from home. Using video conferencing, you may have a conversation with someone who is far away and feel as if they are right there with you-seeing, hearing, and speaking without physically touching each other. The requirement of "presence" within the meaning of section 273 of Cr.P.C. is satisfied when the accused or his pleader is present during the video conference recording of evidence. Actually, unlike in a jam-packed courtroom, the accused will have a much better view of the witnesses. Additionally, the video's replay feature would make things easier during cross-examination. Without unfairly biasing the accused, witnesses may be cross-examined on papers, other materials, or statements just as they would in a courtroom setting.

A witness might be cross-examined via an Irish video conference in the case of *Sujoy Mitra v. State of West Bengal*, <sup>[9]</sup> decided by the Calcutta High Court. The victim, a woman from Ireland, was able to have her statement recorded by video conference as the trial court permitted it, even though all of the other witnesses in the case were taped. The court also disagreed with the argument that nations do not need extradition treaties to record witness statements. Also, the victim wasn't staring into the camera, so there's no need to submit an affidavit for the deposition that would reveal their name. Having said that, the court did provide certain instructions via video conference.

- a) The court has the responsibility to verify the witness's identification before permitting them to testify via video conference.
- b) Before evidence is recorded, an oath must be administered.

- c) During the court's business hours, witnesses must be examined.
- d) In order to facilitate the extraction of evidence, it is necessary to provide the witness copies of the relevant papers in advance.
- e) Additionally, using video conferencing, the court must guarantee that the witness is in a private room at the Indian embassy.
- f) The court must also take note of the witness's demeanor as it is crucial for assessing the evidence.
- g) Once the recording begins, it must be finished every day without interruptions.
- h) As the trial judge may determine, any further necessities for accurate recording.

This teaches us that technology is nothing new in Indian law; online hearings may stand in for public ones, which is a major step towards ensuring that all parties involved in a trial have equal access to the court system. Possible suggestions include:

- a) Keeping audio recordings of hearings.
- b) The court's website guarantees live streaming of the hearing with audio and video.

### Aspects of the Procedure <sup>[10]</sup>

Concerning the judicial process, the realm of procedure has been the one most affected by technological advancements. A growing number of forensic procedures, including the examination of fingerprints, voice, handwriting, blood samples, DNA, and other biological substances, are relied upon by investigating authorities. Reconstructing suspicious photographs using software also helps with the investigation. In recent years, cyber forensics a relatively new field of investigation has become more popular. The introduction of new technology to aid investigating agency should not be met with naive optimism on their dependability. There is great potential for scientific methods to improve criminal justice, but we must carefully consider each method in light of individuals' fundamental rights and the necessary standards of evidence before implementing them.

### Innovative Dispute Resolution Tools and Technologies <sup>[11]</sup>

As the name implies, the goal of the Alternative Dispute Resolution (ADR) process is to settle legal disagreements in ways other than the conventional court system. There is a wide range of methods for resolving disputes, from mutually agreeable methods to more formal executive procedures like arbitration, conciliation, or negotiation. In some cases, a mix of these approaches is necessary. Therefore, ADR provides an other means of conflict settlement.

The rise of online shopping is significant and, who knows, maybe even inevitable. There must be careful consideration of the potential legal ramifications of the expansion of online trade. Nevertheless, a major roadblock to the expansion of electronic commerce will be the absence of adequate cyberspace dispute resolution procedures. One may claim that Online Alternative Dispute Resolution (OADR) may optimise the expansion of e-commerce when Alternative Dispute Resolution (ADR) goes to cyberspace, with arbitration and mediation being the major forms of ADR.

One subset of conflict resolution, known as "online dispute resolution," makes use of the Internet and other forms of electronic communication to help parties work out their differences. Mediation, arbitration, or negotiation-or a mix of the three-are the main components. This is where it is

frequently compared to alternative dispute resolution (ADR) in the digital realm. However, by incorporating new strategies and technological advancements into the process, ODR may supplement these more conventional methods of conflict resolution.

Online dispute resolution (ODR) makes use of a digital representation of a physical location and the use of electronic communication technologies such as video and teleconferencing, electronic documents, grid computing, and electronic mail and short message service (SMS). Among the many advantages of online dispute resolution (ODR) are its speed, low cost, lack of confrontation, and reduced need for in-person meetings and physical data storage.

Because of insufficient understanding and motivation to use ICT for Dispute Resolution, ODR implementation in India has been unsuccessful. Using online dispute resolution (ODR) to settle business disputes in India can seem like a completely outlandish concept. The Indian legal system has the potential to greatly benefit from online dispute resolution (ODR) as an ADRM. The antiquated and problematic Arbitration and Conciliation Act, 1996 governs the contemporary ADRM in India. Online dispute resolution will remain a pipe dream in India until the government takes concrete steps to encourage the use of technology in alternative dispute resolution (ADR). The lack of consistent legislation in this area is a key reason why online dispute resolution (ODR) has not advanced much in India and other countries. A unified legal framework for the ODR has been sought for by the United Nations Commission on International Trade Law (UNCITRAL). Online dispute resolution (ODR) has the potential to become a powerful tool for conflict settlement in India if this is implemented and appropriately included into the country's legislation.

### Conclusion

There has been a meteoric rise in the use of technology and alternative dispute resolution (ADR) in the court system. There has been tremendous progress in our nation since the first effort to digitise court records was launched in 1990. Its benefits have been readily apparent as it has facilitated the involvement of judges, solicitors, and litigants in the legal process. It has drastically cut down on case backlogs and delays in the different parts of the court system. Technology facilitates access to justice by opening up additional channels of communication between individuals and governmental agencies. Nevertheless, there are still several obstacles that must be surmounted before the court may fully use information and communication technologies. We can finally see justice delivered efficiently and effectively for everyone if our court system fully embraces the use of contemporary technologies.

In conclusion, the rise of legal technology has improved the quality of legal services and had an impact on almost every facet of the legal field. Thoughtful and ethical use of sophisticated technology is of utmost importance, with data privacy, cybersecurity, and the preservation of the human element in legal practice being major concerns. In order to better serve their clients, legal practitioners should keep employing their discretion and knowledge while also making use of technological advancements.

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