Equality, Justice and Harmony

We fight for Equality among gender, Justice to all and Family Harmony

E-COURTS PHASE 3 REFORMS

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Phase I and II of e-courts is a welcome step in those times. It had a lot to share on how the Vision is defined, scoped, implemented and finally rolled out across India in most of the courts. The processes of digitization of the judicial administration process are done across approximately 19000 courts in India. As part of envisioning Phase I and II, different enablement bodies are setup at Supreme court and High court level along with the support from National Information Centers. Department of Justice is setup for financial approvals, disbursement, monitoring the utilization and implementation.

Even though the Phase I and II has managed to build infrastructure at a majority of the courts, enabling few complexes with the video conferencing capabilities for virtual trial process it had badly failed in being prepared for pandemics like Covid-19 that has pushed the country to prefer low or no physical contacts to the regular procedures. The courts being not prepared for such simple processes has literally hit worse on the legal system of India.

Infrastructure setup, Systems and services implemented as part of Phases I and II has fallen inadequate to the challenges of today's needs that are also contributed by the pandemic. Lessons must be learnt from these phases of implementation.

Phase I and II Review

The following are identified by our team as the major contributors of feedback and review points:

1. Very Long Phase timelines
2. Poor study of baseline situation and poor planning and execution
3. Infrastructure setup challenges
4. Poor rollouts and adaption
5. Poor prioritisations of real concerns
6. Feedback system lacking efficiency and capturing practical day-to-day challenges.
7. Insufficient Budgets

Very Long Phase Timelines
In the current digital transformation age, any digitization implementations can't be more than 4 years from proposal to live rollouts. We are in generations where any digital platform goes through major generation changes in every 2 years. The timelines from Phases I and II from the visionary to final rollout has took 12+ years in total to get implemented, rolled out and adopted.

Poor study of baseline situation and poor planning and execution

Review of the detailed documents of the Phases I and II show that the study of the current situation related to the preparedness and availability of the infrastructure needs and the medium of accessibility in different parts of the country are not validated properly. The Base line situation is not clearly defined. It ignored the current lapses in offline processes that are inconsistent, lack of curation, need for standardisation, regularisation, data cleanup and many similar tasks.

Even the primary tasks of filing are not made robust in any of the courts in the country till to-date. The situation analysis has overestimated the then current state across courts in India. This has led to a very poor planning and execution where the systems have struggled and needed many corrections and software releases to meet the demands of availability, accessibility and reliability.

Infrastructure setup challenges

At the base level, many courts across India did not have the basic infrastructure to facilitate the digitalization of the administration and operational processes. Many courts still do not have basic electronic infrastructure or connectivity. There is a network connectivity divide with some states having good internet connection across districts, while certain district courts in other states do not even have lease lines to provide internet.

With delays for the setup of basic infrastructure or setting it up inadequately has caused issues for the trainings and adoption mechanisms planned as per schedule.

Poor rollouts and adaption

The rollout plan of the Phases I and II across India is like biting much more than one can chew. The different challenges at different courts regionally and culturally added with the bespoken administration and operational practices has caused more issues than enabling the courts with the improved processes.

Most of the courts ended up with the duplication of processes and had led to the lack of trust in further phases. Adaption and preparedness by the courts is still at varied levels across the country.

Poor prioritizations of concerns

e-courts Phases I and II identification and prioritization of concerns are very unsatisfactory. Digitisation of the e-courts even for today is only helping to check the schedule and dates of adjournments but it failed pathetically in the concerns of fetching certified copies, filing online, follow-ups of the business purpose and many more.

Feedback system lacking efficiency

The feedback systems setup in place to capture reviews, comments and complaints from the end users lacked efficiency. It failed in capturing practical day-to-day challenges faced by all the different actors of the system. This failure has not helped even for Phase 3 to identify the core issues that needs higher prioritisation to be resolved prior to many other good to have features.

Insufficient Budgets

Last but not the least, the budgets allocated for such a core program that has an impact and coverage across India in around ten thousand plus courts is very wrongly calculated and set out. The degree of parallelism in implementation will suffer with insufficient budgets and the longer the phase timelines are the more the issues that will creep into the implementation and completion of the phase.

Phase III vision

For e-courts Phase III vision planning we would like to suggest the following:

1. Transformation of process to compliment Digitalisation
2. Fully Digital enabled court proceedings
3. Accountability of the Judicial administration
4. Automated Extended Courts to ease process of dispute resolution
5. Implement systems to sustain to New Trends of technical needs
6. Data-Driven decision making for consistency and setting up guidelines
7. Online processing of requests for documents and payments
8. Use of AI for automating audit
9. Feedback system to optimize administrational and operational processes
10. Precise calculations and Sufficient budgets

Transformation of process to compliment Digitalisation

The current offline and paper based administrational and operational processes need to be reviewed and redefined for optimizing them for the digitally enabled solutions. To avoid duplication effort, establishing ease of search and indexing documents and services that are digitally provided for anytime and anywhere usage.

Fully Digital enabled court proceedings

The court proceedings from the step of filing petitions to procuring orders and appeals must be enabled digitally. The fully digital setups must be supported with strong infrastructure setups that scale to the needs of the individual courts.

Accountability of the Judiciary

Most of the court proceedings end up in denial of justice to the petitioner for endless delays in the disposal of the matter. The administration and operational information related to the case are suppressed from the petitioner and at times the petitions are dismissed for the change of status in the case or advancement in the case. These must be made accountable by making this information transparent.

Artificial Intelligence enabled deep learning can be used to setup validations that run through the cases and identify anomalies in the scheduling and anticipated timelines and notify to the administration and enforcement teams. This would make the administrative and operational departments accountable for endless delays in listing and schedules avoiding mismanagement. Scheduling process must be automated with case prioritisation intelligence.

Automated Extended Courts to ease process of dispute resolution

Automation and intelligence must be built into the system that would identify similar disputes and generate guidelines that would ease the process of dispute resolution. Setting up of Extended Courts setup that relies on this automated capacity built from the enormous legal knowledge would quicken the dispute resolution and makes it more consistent across the country. Periodic reviews of this intelligence for automation can help make the system reliable reducing manual interventions.

Implement systems to sustain to New Trends of technical needs

The implementation timelines of the finalized Vision must be within acceptable time limits. The current technology changes are quite quicker and lengthy implementations would result in solutions that are outdated even before the rollout and adoption by all the courts.

The systems must be built taking into consideration the quick changes in the trends of technical needs. The overall timelines should be shorter periods to accommodate new changes in the next iterations. Technical needs would be from the devices to be supported to the data fetch speeds to quality of the data and ease of use.

Data-Driven decision making for consistency and setting up guidelines

The enormous data of existing SC and HC Judgement orders must be data engineered to enable quick decision making based on the existing orders. This way it helps to improve consistency of orders and to setup guidelines for decision making.

Data management for data curation and standardisation, normalization and cleansing must be done to setup data analytics that would help to setup guidelines for various case types.

Online processing of requests for documents and payments

The current systems are not fully automated for simple procedural requests like seeking for certified copies, templates, affidavits formats and their submission. This is taking tedious efforts for the petitioners, lawyers and even administrative and Judges to make sure the documents are properly validated and accepted. This process must be automated on high priority to facilitate digital environments for end users and ease of request processing.

Online payments must be enabled, and cash payouts must be reduced for the frequent day-to-day transactions.

Use of AI for automating Audit

Artificial intelligence must be developed to automate the audit process and report generation. The validations for the audit must happen automatically and the anomaly report must be generated. These reports must be notified and shared to the relevant parties and approval process must be setup to track these reports and do the necessary follow-ups.

Feedback system to optimize administrational and operational processes

The administrational and operational process of the current practices are in need of major reformations. The digitalization process would run as multiple iterations and a continuous feedback review system would help to improve and optimize these processes at each iteration level.

A robust feedback mechanism must be setup that should continuously analyse the captured feedback data, prioritise and redefine the process to optimize and increase efficiency of the solution.

Precise calculations and Sufficient budgets

Planning must take into consideration all the aspects of implementation, rollout and adoption needs and must calculate the budgets. Insufficient budgets would lead to poor implementation and failure of the projects.

The creation of the e-Courts platform for disseminating data from the subordinate judiciary was an important step in making Indian courts more transparent. This platform has also prompted an interest in data-driven research on courts. While the e-Courts platform is a major reform but who will reform Police, Lawyers and Judges and their mentality?

INFRA, SYSTEM & CULTURAL REFORMS

1. Build robust infrastructure, Electricity, Equipment's and Trained personals
2. Government policies and biased laws should change
3. Scrap old laws/Amendments and make laws as per current situation
4. E-Courts and digitization
5. Online filing and virtual hearing
6. Accountability on law makers
7. Judiciary should be separated from political clutches
8. All aspects of judiciary should be public or on public domain
9. Training judges
10. Milord mentality should change
11. Two more Supreme courts, One in South and East India.
12. All courts should be linked on network and cases are connected from Lower court to SC
13. Enable/support litigants to self-appeal and fight the case.
14. Jury system of social Activists.
15. Judge promotion should be on his performance.
16. Adopt scientific technics like Polygraph test on all complaints especially matrimonial cases
17. Filing of application, petition, reply, etc should be made online
18. Attendance of litigants should be marked online clearly and record of attendance of parties and Advocates should be visible online
19. The approved vakalatnama should be visible to litigants online with registration number of Advocates
20. If online application or reply is filed by the litigants then it should be treated as present in the court
21. Cause list should be available online and cases should be heard in the order mentioned in cause list
22. Whole court process should be made online so that Baburaj, babugiri can be curtailed since it is the root cause of all the corrupt practices and biases
23. All the formats used in court should be made available online. There should be an online system for submission of these forms

24. Online payment system should be established for Payment of all types of court fee, charges, etc applicable for various court process

25. Recording of statement should be done online and during recording of statement it should be visible to the litigant who is giving statement

26. Order sheet should be available online and the relevant orders should be visible to litigants online

27. Orders are not being uploaded in court website. It should be uploaded within 2 working days

28. The order copy downloaded from website should be accepted for appeal, review, revision, etc.

29. Provision for getting Certified copy of exhibits, orders, evidence should be made online and should be sent to the litigants through email

30. Online System should be made available for filing complaint against judges and court staff

31. Only the online listed litigants and their advocates should be allowed to enter inside the court room, court campus. No chacha, mama, bhai should be permitted to enter the court premises if they're not party to the case.

32. Filing of online RTI should also be included/allowed for e-court cases and procedures.

No matter what software is developed or implemented as Case Information System 3.0 digitaisation of e-Courts unless above reforms are done there will be no use. It is claimed Under phase-II of the project, Rs. 921 crores have been released and over 16000 courts have been ICT enabled but in reality, if you visit some of the district court equipment's still in box as delivered or kept on open and non-operational.

The India legal system even after 75 years of Independence still looks like a domineering and pretentious British vestige appearing to belong to an elite class, Politicians and influential, away from the people and the country. As a matter of fact, the present system of justice is totally out of time, ram shackled and not tune with democratic procedures and norms that please only a certain section of the society with vested interests and biased laws specially meant only for women. No person should above law, Law should be equal to all citizens there should be proper proposals and plans for reforming the system from the ground up. Some of the key suggestions include Accountability, improvements to contempt of court and impeachment proceedings, improvement of judicial infrastructure, enforcing integrity codes for judges and lawyers, Therefore, there is an immediate need to restructure the entire judicial system to make it answerable to the needs of a democratic, progressive society.

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