

e-Courts Project

At the Delhi High Court

A presentation by the Computer Committee

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Why e-Courts?

- Paper has served the judicial system well – in terms of documenting and preserving, pleadings, evidence and orders/judgments.

But, there are problems with a paper-based system...

- ❖ Not eco-friendly
- ❖ Requires more and more storage space .
- ❖ Paper necessarily involves care and maintenance for its preservation and places a heavy demand on human resources.
- ❖ A lot of time and energy is spent on the management of paper files – for filing, retrieval, transportation and preservation
- ❖ All this means that the paper-system eats into time and, ultimately, efficiency.

... and more problems with a paper-based system.

- ❖ There are practical difficulties with it --
 - ❖ How does one document audio-visual evidence on paper?
 - ❖ Printed transcripts or photographs are usually used.
 - ❖ But, the intonations, the expressions and visually perceptible demeanour are lost.
- ❖ As the world is moving from paper to digital media, there are very many 'documents' which do not exist in paper form at all.
- ❖ The paper print-out of such a 'document' would be the copy and not the original!
 - ❖ For example, a print-out of an e-mail is the copy !
 - ❖ The original email exists in digital form.

So, what is the solution?

- ❖ The world-wide move towards digital and away from paper as a 'medium' for communicating and recording ideas, concepts, arguments, presentations etc., coupled with the inefficiencies of a paper-based system and grave storage problem, make it an imperative to –
 - ❖ transform our judicial system from being paper-based to one where pleadings, evidence, orders and judgments are documented and archived on digital media.
- ❖ To achieve this end, **e-courts** which are truly paperless courts would have to be established

e-courts

eCourts

- ❖ Would entail that from presentation of a plaint or petition till its disposal and archival, no paper is used!
- ❖ Since all the documents would be in digital form, it would solve the problem of shortage of storage space.
- ❖ Since it would be a paperless and automated court, it would reduce the burden on human resources.

Time and efficiency

- ❖ Paperless courts would lead to increased efficiency and would save time.

Audio-visual evidence .

- ❖ Audio-visual evidence can easily be captured and presented in the Court.

Requirements of an eCourt

- Digitization of decided cases.
- Indexation of such digitized records on key parameters for easy retrieval.
- Authentication of digitized records and simultaneous weeding out of paper records.
- Digitization of current files and simultaneous introduction of **e-filing**.

e-Filing

- On-line via internet
- e-kiosks in the court premises
- Via other storage media – CD-R or DVD-R

e-Filing further requirements

- Digital Authentication with physical signatures through suitable bio-metric devices.
- On-line payment of court fees, process fees etc
- Preparation of e-case file using a portfolio format.
- Integration of document management system (DMS) with the case management system (CMS).

e-Service

- Service of summonses, notices, warrants would be through e-mail via the internet
- A hybrid system could be used whereby e-mails could be send to the nearest post-office/courier office where it could be printed out and served on the recipient locally
- The digitally authenticated service report would be transmitted to the court registry via e-mail. This process would cut down the time taken in completion of service which is a major to delay to court cases.

e-hearing (courtroom technology)

- One computer for the judge with LCD touch-screen display monitor-large enough for reading pages at a time.
- One computer for the typist/ reader/court master.
- One computer for the arguing lawyer/advocate.
- In trial courts, facility for video-conferencing and audio video-recording of oral evidence and large LCD panel for display of evidence.

Contd.....

... e-hearing

- Connection to high speed local Area Network for accessing case files and case management details located in servers.
- The judge would, instead of handling a bulky paper file, on the click of a button have access to the e-case file.
- The reader/court master would be relieved of the burden of lifting heavy files and worrying about papers of different case files being interchanged.
- The advocates would bring their laptops and open up the relevant case files while arguing.

e-Orders/ Judgements

- Orders and judgments dictated in open court or in chambers would be keyed in by the Typist into their computers which can be accessed by the Judge over the LAN and corrected without requiring any draft being printed on paper.
- The finalized orders/judgment would be signed by the judge using his digital signature and would be added to the relevant e-cases files via the DMS and CMS.

e-Copies

- Digitally signed copies of orders and judgments would be uploaded instantly onto the court website for easy access over the internet.
- e-copies of entire e-case files would also be made available on-line to the parties or authorized personnel.
- Certified copies either in paper form or digital form would be provided by the court registry.

e-Archives

- All digital data -- e-Case files and CMS data – would be archived for quick and easy retrieval while maintaining safety and security standards.
- The archived and current data would be backed-up each day to two different locations in the same city and to a third location in a relatively disaster-free and trouble-free city. This would save the data from destruction due to fire, theft, natural calamities, war and strife.

e-Evidence

- Oral depositions would be recorded on audio-video devices supplemented by digital transcription and authenticated by the witness and the judge using digital signatures/bio-metric devices such as signature pads and fingerprints readers.
- The facility for recording oral evidences via video-conferencing in respect of high-risk witnesses, child witnesses, old and infirm witnesses would be available.
- e-evidence would also facilitates recording and maintaining of multi - media clips etc.

e-Causelists

- The court would increasingly move toward digital cause lists which would be available over the internet.
- The e-cause lists would, if required, also be e-mailed to the advocates. Parties would, if they so desire, be alerted of their next dates via e-mails or SMS.

e-Information

- Courts must be litigant-friendly.
- There are three ways in which a litigant can directly obtain information from the court. They are –
 - Via the facilitation centre in the court premises
 - Via e-email
 - Via the website.
- The website is the preferred mode of providing information.

Thus, the court website would provide:

- General Court information ✓
- **Virtual tours**
- Cause lists ✓
- Roster ✓
- Display Board ✓
- **Court fees online**
- Case status ✓
- Orders and judgments in PDF /digitally signed ✓ (partly)
- **Online forms for application for urgent listing, inspection, process fee etc.**
- Certified copies information ✓
- **Online filing**
- Web casts (not necessarily but recommended, for greater transparency of court hearing)
 - **Live streaming of court cases**
 - **Archived court cases**
 - Court functions
 - Swearing in of judges ✓(shortly)
 - Full court references ✓(shortly)

E-Kiosks

- All the information should also be provided on e-kiosks located in the court premises.

E-Courts in phases

- Phase I: Pilot Project in one court on the original side
 - Digitize all current case files of that court
 - Prepare e-case files
 - Introduce e-filing (optional initially) to enable lawyers and litigants to familiarize themselves
 - E-hearing by the judge using e-case files (though initially paper files would also be available)
- Phase II: eCourts extended to other jurisdictions
- Phase III: Complete substitution of paper case files by digital files throughout the High Court.



Thank you