



**BENEFITS, REFORMS,
RECOMMENDATIONS, VIS-À-VIS
JUDICIAL DELAY THROUGH
CYBERNATION OF THE OLDEST
CIVILISATION'S CONFLICT
RESOLUTION MECHANISMS**

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We all recognise the importance of IT. Association with IT infrastructure for all working parts of an organisation has become mandatory in the 21st century in order to get connected to the rest of the world. The Indian Judicial System faces a major challenge of **over 33 million cases**, and it is estimated that it will take **360 years to overcome the backlog** in the present pace with no new cases getting registered. The shortage of IT resources is one of the main reasons behind the inefficiencies of the judicial system. IT infrastructure will undoubtedly help to reduce the backlog to a significant extent. In this manuscript, the author addresses the move from print to digital legal information within the Indian judicial system and the impact of cybernation of the judiciary. He briefly discusses the historical development of the legal system and the enormous backlog of cases pending throughout the court structure, before **reflecting on the role of ICTs** and reviewing the pace of process that theoretically **started in 2010** and still after 10 years haven't reached the saturation point. The researcher uses **specific international benchmarks** to show that the computerisation of the courts results in shortening of case handling time with concomitantly better access to courts. He then gives and the ongoing steps to establish a more effective digital administration for the

judiciary in India. The researcher then shifts his focus onto the concerns that will creep in with the usher of the digital age in the Indian judicial mechanisms and addresses the maladies that may arise due to the digitalisation and provide remedies to them. The objectives of the researcher are to introspect the introduction of ICTs in the judicial mechanism, explore the benefits that the move of automation will bring with it, while also commending the reforms introduced into the judicial mechanism ensuing the wave of judicial cybernation which help in negating the effects of judicial delays by giving an account of all the primary indicators such as the **eCourt Services**, Operationalisation of **videoconferencing facilities**, the implementation of the **National Judicial Data Grid(NJDG)**, its benefits and how it made judiciary consistent in itself. Thenceforth, he briefs the readers with the current ongoing reforms that are trying to be implemented such as **District Facilitation Centers & Nyaya Mitra**, **Mainstreaming Legal Aid through Common Service Centre**, **Access to Justice for tribal communities**, **Socio-legal cells**, **zero pending court projects**, and proposes remedies or other innovative ways like **National Arrears Grid**, **National Court Management Authority**, to speed up the judicial process.

Keywords: Information Communication Technology(ICT); National Judicial Data Grid(NJDG); e-courts; court administration; legal systems; India; digitalisation; maladies; remedies; reforms

Background

The famous quote goes, "Delay of justice is injustice". The quote rightly says that there is no point in administering justice after it has



breached its befitting timings in society. India is one of the countries with a massive backlog of cases and more piling over as it takes strides of development forward into time. The 21st century held as the era of Digitisation did not leave the judiciary unaffected and cybernation had been rolled out to every nook-and-corner of the judicial system, but vain. The systems again got clogged up and Indian Judiciary is in no better position than it was before the wave of cybernation hit the already struggling for air Judiciary. According to the World Bank, Indian Judiciary is “notoriously inefficient”¹. The implementation of computers in the judiciary was a kind and brilliant move by the government, it will certainly help in reducing the backlog of cases and make the judiciary move forward, but it can only be achieved with proper measures and precautions.

Brief Historical Development of Judiciary

The Indian Judiciary was set up during the reign of the East India Company. The present law prevalent in India is a result of varying layers of influences both domestic & foreign and complexities. Like every other society at its dawn, courts were absent in India and the only form of the justice system in the society was of revenge. Roughly 2000 years ago, rulers of the Vedic and pre-Mauryan origins ruled over India, they established the first law courts and presided over them providing justice, deciding cases according to the law codes or smritis (law codes of Hindus) of that time. At the village level, the writings of Manu, Indian jurists can be held evidence of the presence of peoples' courts there. During that time, to allow the

legal system to properly function, code for the conduct of judges, procedures for administering justice were in place. Justice was dispensed based on norms laid down in the scriptures in the Vedas, Dharma sutras, Vedangas, Purans as well as the customs and usage of communities. The Mughals along with their Islamic religion, brought with them the Islamic jurisprudence which was laid down by the Quran. In the period of Mughal rule, there were mainly 3 types of courts:

1. Court of religious law
2. Court of secular cases
3. Court for political cases

With the end of the Mughal rule, came in the foreign powers, i.e., the British. It is during this time that, the power to administer justice rested with the East India Company at first and subsequently to the English common law. In the early period of their rule, the East India Company was solely responsible for the judicial system. The company was granted a charter by King George I in 1726 to establish ‘Mayor’s Courts’ in three metropolitan cities – Madras, Bombay and Calcutta—and the functions of the company increased considerably after the victory in the Battle of Plassey in 1757. After that, the courts expanded to other parts of the country. After 1857, the power of the company’s territories in India passed to the British Crown. Subsequently, the Supreme Courts were established and these courts were transformed to the first High Courts by the Indian High Courts Act passed by the British Parliament in 1862. In the same year the Law

¹ Refworld | India: Independence of and corruption within the judicial system (2007 - April 2009), Refworld,

<https://www.refworld.org/docid/4a7040ab23.html> (last visited Dec 3, 2019).



Commission, under the chairmanship of Thomas Babington Macaulay, prepared the Indian Penal Code (the main criminal code of India) which was subsequently enacted into force.

After 73 years of Independence, the Republic of India is now governed or more precisely speaking, guided by the Constitution of India including matters of the nature that require a judicial solution and legislature activities. The country is divided into states having their own legislative and executive branches and Union Territories governed by the Central government, just like its superior, the central branch of legislative and executive. The law enforced or enacted by the Union is binding on all the states and the union territories. India has a bicameral Parliamentary system, which consists of an upper house called the Rajya Sabha (Council of States) and a lower house called the Lok Sabha (House of People). The judiciary is independent of the executive and the other parts of government in the country.

The number of court complexes is 2,500. India has a Supreme Court at the centre also known as the Apex Court of Justice and twenty-five High Courts in various states some with jurisdiction extending to more than 1 states. Currently, the Supreme Court has 31, the total number of judges in the high courts as sanctioned by the government of India is 1079 out of which 772 are permanent and the remaining 308 sanctioned judges are additional judges, the subordinate judiciary including the district courts have a working strength of 6,693 judges. As of 11 December 2019, about 37% seats in high courts roughly amounting to 398 are presently vacant.

Although the Union Government has accented on the process of increasing the judge count to 37,000 in the half-decade to ensure the delivery of justice with more efficiency and accuracy that will eventually help in speedy disposal of pending cases in the lower as well as, the higher judiciary.

Judicial Backlog

The Indian Judicial System has an excess of more than 3.3 Crores cases pending before it. Of these, 86% of the backlog can be accredited to the subordinate courts, followed by 13.8% in the High Courts (excluding the newly established Telangana High Court), the remaining 0.2% of the cases are pending in the supreme court.² Like the Delhi High Court has a backlog of 466 years according to its chief justice. It took two decades to solve an unemployment dispute case that is simple, the Uttam Nakate case. According to official data, between 2006 & 2018, a sharp rise in the pendency of cases have been noticed, 36% increase in the Supreme Court, 17% increase in the High Courts, 7% in the subordinate courts amounting to a total of 86% increase. It is often acknowledged that on an average, the time length of a case from the date of filing to the final disposal crosses the life span of the litigant; and in common folklore, it is asserted that litigations in India are handed down from one generation to another as part of their heirloom. It should be remembered, though, that the concept of backlogs does not explain the real reason for the pile-up of court cases.

² Pendency of cases in the Judiciary, PRSIndia (2018), <http://prsindia.org/policy/vital-stats/pendency-cases-judiciary> (last visited Dec 4, 2019).



Alternatively, the phrase "backlog" has been misused and the expression "pendency" is the right word to describe today's large number of court cases. As could be noted, the vast number of cases that are currently pending in the Indian courts are minor cases involving motor vehicles, small crimes such as theft, assault, taunt, slap. It is an established fact that the Indian government recognises a 40% shortage of judicial human resources. On January 12, 2012, a Supreme Court bench said that people's faith in the judiciary was decreasing at an alarming rate, posing a grave threat to constitutional and democratic governance of the country.

It sincerely acknowledged a few of the serious problems such as –

1. A large number of vacancies in trial courts,
2. The unwillingness of lawyers to become judges,
3. Failure of the apex judiciary in filling vacant HC judges posts.

Consequences of malfunctioning Indian Courts

According to DAKSH data of 15 February 2016, selected High courts where data was available to be analysed and sorted into five-year buckets, it was found that the vast majority of cases, 88.26 %, took 10-15 years to decide. As per National Judicial Data Grid(NJDG) data 2018, the number of cases being instituted per year is 1,48,55,296 and the number of cases being disposed of is 1,32,47,672 thus leading us to a deficit of

16,07,624 cases that do not get disposed of every year and thus add to the backlog of cases. The pendency of the Indian Judiciary is not decreasing but is increasing by as much as 16 lakh cases per year.

The slow progress of Indian courts and cases have significant and eminent adverse consequences on the democracy of Indian and subsequently on its economy. Essential questions of constitutional validity are left unanswered for a very long time frame because of the inability of the Courts to constitute for the demands. A prominent example can be seen as slow enforcement of contracts could encourage bad behaviour by borrowers who may detrimentally affect the markets. The implication is that there may be a multitude of arrangements that could result in huge rewards but are not entered into due to lack of confidence in the state judiciary's enforcement mechanisms. Such defeats can have a huge impact on the state's economy.

According to the *Report on Ease of Doing Business, 2016* by the World Bank that specifically measures judicial performance for investors to look into amongst other parameters, ranked India 12 positions above the lowest rank, of 190 countries listed in the survey, India was placed at 178.³ Countries and our neighbours like landlocked Nepal, economically unstable Pakistan, and even the war-torn Afganistan have been ranked above us. Malfunctioning Indian courts is now not only a domestic problem but have now become an international menace and caused embarrassment to the country.

Nevertheless, no matter how much backlog, how much cases there is at present pending at the Indian courts, the condition can always be

³ Yogima Sharma, India jumps to 63rd position in World Bank's Ease of Doing Business 2020 report The Economic Times (2019), <https://economictimes.indiatimes.com/news/econo>

[my/indicators/india-jumps-to-63rd-position-in-world-banks-doing-business-2020-report/articleshow/71731589.cms](https://www.supremoamicus.org/my/indicators/india-jumps-to-63rd-position-in-world-banks-doing-business-2020-report/articleshow/71731589.cms) (last visited Dec 12, 2019).



improved with the help of Information and Communication Technologies.

Introduction, roles and benefits of ICTs

Introduction

No matter how much backlog, how much cases there is at present pending at the Indian courts, the condition can always be improved with the help of ICT and IT services supporting the administrative functions of the judicial process. The Judicial Process can be broadly divided into two parts: a) the Judicial function b) the Administrative function

Judicial Function- A judge's primary function is to assign, list, and decide cases.

Judges are required to perform these functions in a time-limited manner and in accordance with the relevant procedures. Judicial time is valuable and the emphasis should be on the success of the central judicial role.

Administrative Function- Courts need professional management to ensure procedures are implemented, records are submitted and stored, services are preserved, and human resources are handled for successful operation. The administration of the court must effectively support the judges in carrying out their core judicial function. Efficient administration is a prerequisite for effective judicial function.

India, too, must distinguish the legal roles of its courts and tribunals from its administrative functions, such as those of other nations such as the United Kingdom, the United States, Canada, Australia which will eventually lead to the freeing up of judicial time, which can be used to cover for the first-hand delay caused by the combining of roles.

Role

In 2009, Mr C. P. Gurnani, Tech Mahindra's Chairman, said India's problem of judicial

backlog could be reduced to three years with the help of information and communication technologies. Malik (2002) stated that the objectives of the ICT models were to provide integrated support for judicial and administrative functions, to establish interconnections between internal and external judicial institutions, and to develop a means of monitoring and controlling legal services. In a more recent study, L. Philemon found that there was a significant discrepancy between the ICTs and the nature of legal services. This was caused by a lack of knowledge about the use of information technology in legal systems.

ICTs enable the judges work more efficiently without worrying about the administrative functions, where the judges can with the help of technologies such as dictating the judgements to a computer screen and it translating the speech of the judges into text and simultaneously publishing it to relevant websites and making available the judgement instantly to the general public or parties concerned.

There is no question that the method of dispensing justice can be made easier, more efficient, more reliable, less time-consuming, less costly requiring fewer manual labour with the aid of Information Technology. In addition to minimising the flow of data and documents attended by accountability in the justice system, the implementation of computer technology in court administration has often made it easier to speed up the delivery of justice.

Benefits of Automation

There are many benefits of automation or the cybernation of judiciary. Benefits range from the crucial aspects of negating the effects of backlogs, pendency, helping the economy to the tiniest benefits such as taking the workload off the shoulders of the already



overburdened judges and court official thus streamlining the court management process. The move of automation has brought with it a wave of education and awareness educating the official how to handle complex court servers, how to operate them, how to maintain them and how to work with computers in a workplace where papers were the norm.

Automation means upgradation of the general public, people not only the aggrieved parties but also persons such as researchers, students, scholars advocates can now have access to the up to date judgements within seconds of it being awarded, with the aid of internet, the court proceedings can be used for a subsequent case as a precedent in a lower court that might have relevance in a case that it might be dealing in with right at that moment, thus upholding the notions of *stare decisis*.

Benefits are the part of the whole package that will be delivered or are getting delivered by the move of automation for the judiciary, the basic principle of the judiciary is providing fair and timely justice to the public whose constitutional or fundamental rights have been breached. Alongside benefits, cybernation brings with it a competitive edge amongst the individual judicial parts like the high courts, the supreme court, the subordinate court, are now trying to complete cases as soon as possible because their data can now be seen throughout the country from an average person at a local train to the PM can follow their proceedings and conducts and thus have turned up many folds the transparency of the court management, they are therefore extra careful and which in turn have reduced their discrepancies and have enhanced the decision making process.

Technology's most significant impact on the judicial process has been in the area of

proceedings. Increasingly, investigative entities have come to rely on forensic methods such as fingerprint processing, speech, signature, handwriting, blood samples, DNA, and other body substances to gather evidence. Technology is also used to recreate the suspect's photographs to support the investigation.

Other benefits include making the speciality more accessible to both rural and urban areas, reducing prohibitive travel and related costs for litigants, opening up new opportunities for continuing education for isolated or rural legal practitioners, and reducing legal care costs for rural practitioners.

National Action Plan for ICT implementation in Indian Judiciary

Back in the mid-2000s, a proposal was sent to the Ministry of Law and Justice for the creation of an e-committee to formulate a national computerisation strategy for the Indian Judiciary and to advise the judiciary on technical, technological, communication and management changes. Under the chairmanship of Dr Justice G.C. Bharuka, a retired judge of the Karnataka High Court, the Union Cabinet approved the creation of an E-Committee with three other expert members. Hence came to be the Supreme Court of India's E-Committee which drafted and released a national policy in 2005.

ICT implementation was aimed at increasing legal productiveness, both qualitatively and quantitatively, and at enhancing the affordability, cost-effectiveness, accessibility, accountability and transparency of the justice system.

The action plan is has been categorized into three phases:

- (i) Initiation of the ICT Implementation;
- (ii) Coordination of ICT infrastructure;



(iii) ICT coverage of the judicial process as well as other functions of administration.

The E-Committee is the central ICT enforcement body. A national advisory group was formed, consisting of representatives of the NIC, the Indian Institute of Technology, the Indian Science Institute (IISc), the judiciary and the ICT industry.

The main project of the e-committee is the E-COURTS PROJECT which entered into phase 2 of its process and implementation on 8th January 2014. In its phase 1, it computerised 14,249 district & subordinate Courts with a total budget of 935 crores. In phase 2, it is to further enhance the ICTs in courts by computerising more than 8000 new courts, judicial academies, legal service authority offices, connecting all courts with the NJDG through wide area network, enabling citizen eccentric facilities, introducing mobile apps and e-processes such as e-filing.⁴

Reviewing the pace of Digitisation

Digitisation of the Indian Judiciary has come a long way; it is a slow process, yes, but that of tremendous benefits. From typing the whole judgements of thousand of pages on manual typewriters and then keeping it in courtroom records to entering it into keyboards by trained professional and uploading it within the blink of an eye, the judiciary has come a long way in the decade. The pace of digitisation in a country which have the world's largest illiterate population of adults, amounting upto a total of 287 million people, we can proudly say that the results of almost a decade long struggle now

have shown some significant progress and is continuing to show encouraging results.

The pace of digitisation can be reviewed by using some eminent indicators of the judicial system, like:

- i. Increase in number of computerised courts
- ii. Successful roll-out of the National Judicial Data Grid(NJDG)- opened for public access in September 2015 now it has 7 crores pending and disposed cases and more than 4 crore judgments/orders.⁵
- iii. Roll out of e-court services
- iv. Records of electronic transactions for e-courts- As on January 2014, there were around 2 crore transactions, it jumped to 1 Arab transaction (1,83,66,17,941) crores electronic transactions in 2019, and have been hailed as one of the topmost accessed services of the government.
- v. Operationalisation of video conferencing services
- vi. Improvement under the "Enforcing Contracts" indicator in Doing Business Report- In 2016, the rank of India was 178 and in 2019 it is 163rd

While the Information Revolution arrived in India some years ago, automation has not transformed all facets of life in equal measure. It has not permeated to the Subordinate judiciary, in particular, resulting in old work methods based on manual systems being continued even now. The

⁴ Main.sci.gov.in, https://main.sci.gov.in/pdf/ecommittee/PolicyActionPlanDocument-PhaseII-approved-08012014-indexed_Sign.pdf (last visited Dec 14, 2019).

⁵ Pibarchive.nic.in, <http://pibarchive.nic.in/ndagov/Comprehensive-Materials/compr28.pdf> (last visited Dec 23, 2019).



enormous problems being faced by the judiciary due to arrears, backlogs, and delays can be partly resolved by the introduction of automation in subordinate courts. The problems faced by the courts, the judiciary and the people seeking justice are well recognized in terms of backlogs, delays and expenditures. While these issues have many dimensions, improvements in operational efficiency, coordination, accessibility, and speed that IT could bring about can make a significant contribution to improving and mitigating difficulties.

The current pace of development, however, is too slow, especially at the subordinate court level, and is unlikely to have the desired impact in the near future.

International benchmarks

The Indian Judiciary is no the only judiciary in the world which have embraced the concept of cybernation, many developing nations, as well as the first world countries, have adopted the notion of taking help from the machines to improve efficiency and reduce overall workloads of the judiciary in their own countries.

Some countries have outperformed every other nation out there in implementing cybernation throughout their judiciary and thus have in the process set certain benchmarks which could be compared to the Indian context. Some of the countries and their widely recognised international benchmarks are discussed under.

- SINGAPORE-
 - a. Began court automation in 1990
 - b. All the features of the eCourts Project of India

- c. e-Litigation in its Supreme Court, whereby lawyers can access court files and file documents online
- d. 14 September 2008, Political and Economic Risk Consultancy (PERC), conducted a survey and reported that Singapore along with Hong Kong, had the best judicial systems in Asia.⁶
- e. In 2010, Singapore was ranked number 1 in the Rule of Law Index by the World Justice Project for access to civil justice in the high-income countries group.

- LUXEMBOURG-
 - a. started computerising courts and public prosecutor’s office in 1985, called “criminal chain.”

- b. Computerisation in civil and administrative matters started in 1998

- ICELAND-
 - a. promoted significant increases in productivity in the court system and a substantial shortening of case handling time since 1992, with concomitantly better access to courts.

- SOUTH KOREA-
 - a. computerised Case Management System in 1986 and an electronic filing system in 2010.

- AUSTRIA-
 - a. judicial automation application in 1986 and re-designed and improved it further in the late 1990s among other things to enable internet access of data.

Although India also started automating its judiciary and judicial processes in the 1990s, it still have not reached the same level as other countries have, it lags behind the countries with fewer resources and opportunities, the process of digitisation have

⁶ Political & Economic Risk Consultancy Limited | Corrupt Practices Investigation Bureau, Cpib.gov.sg,

<https://www.cpib.gov.sg/research-room/political-economic-risk-consultancy> (last visited Dec 8, 2019).



not been upto the mark in Indian Judiciary and thus have to lead it into a position no better than it previously was.

Reforms & Plaudit

In order to strengthen the judiciary with ICT and IT services for a more effective digital administration, many reforms have been introduced some of them have been successfully implemented and completed while some of them are ingoing endeavours. Most eminent projects and reforms that are in process and have been already established into the daily routines of the judiciary are:-

1. **e-Courts Mission Mode Project-** In order to enable courts to reform the Indian judiciary by means of the ICT, the e-courts project was conceptualised in line with the "National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary" put forward by the Supreme Court of India's e-Courts Mission Mode Project is a pan-India project that is managed and funded across the world by the Government of India, Department of Justice alongside Ministry of Law and Justice, for District Courts. The e-Court Project's main goals are to provide effective and prompt citizen-centric service delivery, Developing, integrating and executing court decision support systems, automating systems to provide its customers with access to information accountability and to increase the effectiveness of the judiciary qualitatively and quantitatively, to make the system of provision of justice available, open,

cost-effective and transparent.

2. **Integrated Case Management Information System(ICMIS)-**

Integrated case management information system for case-related information acts as a public archive. This digital filing system will allow India's Supreme Court (SCI) to go paperless. The duties include e-filing cases, reviewing listing times, case status, and electronic notice / summons service, office records, and overall surveillance of a case filed with the supreme court registry.

3. **Causelists**

4. **Interoperable Criminal Justice System(iCJS)-**

The Interoperable Criminal Justice System (iCJS) was established to promote data exchange between the courts, police / prosecution, prisons, and forensic laboratories for the purpose of speedy justice. NIC has developed a Case Information System, e-Prisons and Kanoon Vyavastha program (based on CIPA software), for the Cover Court, Prisons and Police Stations of the District. NIC Himachal Pradesh has developed the eFSL framework, using online data exchange, for a workflow-based interface between police stations and state forensic laboratories.

5. **National Judicial Data Grid-** A part of the ongoing e-Courts Integrated Mission Mode Project is the National Judicial Data Grid (NJDG). NJDG



will function as a monitoring tool for identifying, managing and reducing case pendency. Dr. Ashwani Kumar, Law & Justice Minister, told in a written reply to the Rajya Sabha that it would also help provide timely feedback for policy decisions to minimize delays and systemic bottlenecks, facilitate better tracking of court results and systemic bottlenecks, and thus facilitate better use of resources. The NJDG must cover all types of cases, including those related to the field of juvenile justice.

6. E-Filing

7. Video Conferencing Facility- Video conferencing is one of the most beneficial products of this technological age that has allowed audio and visual contact between two or more people at different locations. The use of the Indian Court video conferences decreases researchers' and judges' workload and also serves as an affordable solution for witnesses who have to come to court from elsewhere from a city. Proof may be provided by video conferencing and other electronic means before the courts.

Reforms vis-à-vis Maladies due to digitisation

There are two major concerns of the ushering of information technology into the judiciary. One is very basic, the significant problem gendering the growth of India, the Digital Divide, and the most deep-rooted maladies of

the 21st century in regards to Information Technology, The Privacy Concern.

The Digital Divide

The fundamental concern when enabling the judiciary with technology is whether the general public of the country is educated enough to understand the complexity of the system that is placed to make their life easier. It again boils down to the basic illiteracy rate as well as the gap between the literate and the technologically literate people.

Yes, the technologically literate people, as the state of Indian judiciary is these days, as stated earlier, cases tend to go on a long way in time often throughout the lifespan of the litigant thus making it technologically outdated and unable the person to under the advanced technologies without help. Not only elderly become helpless when it comes to services such as e-causelist or e-filings, but many youths of today also get into trouble, not all youth of India or the so-called younger generation are convent or cbse educated. According to data available at Ministry of Statistics & Programme Implementation, IN URBAN AREAS only 32.4% persons can operate a computer, 37.1% were able to use the internet and only a mere 33.8% had used internet for the last 30 days of the observation period. IN RURAL AREAS, 9.9% were able to operate a computer, 13% were able to use the internet, and 10.8% used the internet during the last 30 days of the observation period.

Only implementing a range of technological advancements into the system will not help, it will only help when the consumers and the customers on the receiving end of the facilities will be able to operate and navigate through them, without any assistance and in a country like India where 37% of the world's illiterate mass resides, it will be a huge step. It needs to be planned and rolled out in phases



by the Union Government in conjunction with the State Governments with projects and action plans elaborate enough to reach to everyone who can, is or wants to avail the services of the judiciary.

The Privacy Concern

As of January 2019, 57% of the world population have access to the internet and gazillion information available on it. Being connected to the most extensive information database of the world, however, comes with a price of its own, **the privacy concern**. This is not something new that the 21st-century millennial generation is not aware of. Today our shopping preferences are used to show us ads on other websites, google statistics tracks your activities on third party websites to increase your browsing experiences by preloading webpages, and then there are the mainstream data and privacy breach concerns and invasions. Day in day out we hear news about some new models of phones getting leaked, or a celebrity's personal data getting dumped into public image domains.

Indian Judiciary is also vulnerable to privacy attacks, with its digital infrastructure still at a nascent stage it can be observed that it will not be too difficult for businesses to use the data available online from the courts to their benefits. Although website such as the e-courts websites, high court websites and all other National Informatics Centre(NIC) launched websites, do come with SSL protections that make privacy breach a tough job. But functions such as independently developed district court websites, servers without protection services, untrained employees can be a threat to privacy.

Not only is digital privacy is of concerning nature in this aspect, but privacy in regards to discrimination is also at large in the Judiciary these days. Many a time court management

staff and non-judicial staff such as counter clerks who first-hand use services like e-filing discriminate the aggrieved parties from day 1 and make opinions about them, often in the course of litigation influencing other court officials in behaving in a prejudiced manner. Sometimes, case data can be used to pressurise people into contracts that they are unwilling to uptake or defame the person by indicating that he has a case going on in the court.

This type of discrimination can be prevented if lawyers are issued unique id and access codes and so are the parties or if account creation is required for viewing the details of a case, or it can be done so by the linking of mobile number that one will be able to see only his/her case and no other. A complaint cell or a redressal agency should also be setup so that concerned and aggrieved persons can file a complaint which could then be resolved. From my personal experience, while searching the NJDG website for an email address to contact them, I was unable to find it indicated anywhere in the whole website which I could have used to request for some information that would have further substantiated my arguments and my knowledge.

Recommendations

A number of judicial reforms are urgently needed in our country. It is crucial not only for social welfare but also for economic welfare as a sound and effective dispute resolution and justice system would attract more foreign investors. It is time for the judiciary to take some strong steps to ensure that the system as a whole works quickly, such as reducing vacations to a week in subordinate courts and higher courts. There is a need to increase the court's daily work time by at least half an hour. To avoid unnecessary



delay, adjournments must be given solely in accordance with the provisions of 'Order 17 of the Code of Civil Procedure.' About judicial reforms, the recommendations of the Report of the 230th and 245th Law Commission also need to be implemented. It is also crucial for the courts to realise that certain types of cases are to be tried as soon as possible, as in cases of rape, the victim must not wait for justice for 10-20 years, in cases of terrorism where the chances of prosecuting innocent people are high due to police pressure to act quickly, the courts must prosecute those cases as soon as possible so that the State itself does not give birth to victims.

Some other ideas or projects that the Government could take up and implement are:-

1. **The Courtroom 21 Project**
2. **Increasing the budget given to the Judiciary by their respective governments**, as of now, the average national spending on judiciary is 0.08% of the GDP, except Delhi which spends 1% of its budget on judiciary. Due to this India loses around 0.5% of its GDP annually (Rs. 50,387 crores).

CONCLUSION

The independence of its judiciary is one of the great strengths of the Indian state. When such acts were in violation of the Constitution, the judges have generally not hesitated to take action by the executive or the legislature. The Indian liberal democracy has accomplished impressive accomplishments.

However, there are also significant problems in the judiciary. Tribunals are obstructed by huge backlogs and cases

take very long from beginning to end. There are major negative effects for Indian democracy and economy on the slow progress of court cases. Citizens lose faith in the activity of key state institutions; people and companies are confident in their contract renegade because the execution of contracts is weak. Worse, there is a strong motivation to refuse, provided that only long and slow litigation costs are to be expended, which is also to be conducted by the counterpart.

The problem can not simply be solved by changes in law; good laws can not replace poor systems of justice. The vacancies in the courts are one big problem. But it is not a solution to name additional judges. Judges must increase their effectiveness. In doing so, the administrative roles of courts should be segregated from their legal duties and these administrative functions should be transferred into a separate entity.

The size and complexity of the court system in India, and the many alleged inefficiencies associated with it, have centred the government on financing vast improvements in the legal administrative court structure. The implementation of information and technology and the attention given to a number of initiatives, many of which have been mentioned previously, have begun to rebuild and reshape the efficiency and complexity of the legal landscape in India which have a long complicating history. However, the size of the task is significant and it will take time.
