

Computerisation in the Field of Law and Justice in India

Background Paper submitted by India

Introduction

National Informatics Centre (NIC), constituted by the Government of India, for promoting informatics culture in the Government at all levels of its hierarchy such as the Central Government, State Government and District Administrations, has set up a nationwide satellite based computer communication network called 'NIC-NET'. NICNET in its present configuration connects all Central Government Departments/State Government Secretariats, District Administration Headquarters and some Public Sector organisations in a single integrated network. In parallel with setting up of its massive infrastructure, NIC has developed a large number of informatics services for almost all sectors of the Government such as economy, industry, etc. Many of these services make extensive use of NICNET resulting in timely, efficient and reliable flow of information at different levels in the Government hierarchy.

There is also considerable computer activity going on in various Legal Departments. Several day-to-day functions in the Legal Affairs Department and Legislative Departments are being computerised.

Achievements

The National Informatics Centre started computerisation activity in the Legal field way back in 1983 by installing a PC/AT in the Legislative Department of Ministry of Law & Justice, in a small way. The application 'Constitution of India' was taken up as a pilot project and it was successfully developed and demonstrated to the senior officials of the ministry. Taking a cue from the successful experiment of the computerisation of 'Constitution of India' NIC has started expanding its activities in the field of Law and Justice by taking up computerisation in the following Departments/Courts/Tribunals.

1. Courts

- (a) Supreme Court
- (b) Delhi High Court
- (c) Other High Courts

2. Departments

- (a) Legal Affairs
- (b) Legislative Department
- (c) Justice Department

3. Tribunals

- (a) Central Administrative Tribunal

- (b) Income Tax Appellate Tribunal

- (c) Central Excise & Gold Appellate Tribunal

Details of Information Technology activities in each of the above Department/Court/Tribunal is provided below:

Courts

Supreme Court

In 1988 NIC has taken up the activity of computerisation in Supreme Court of India by installing a S/AT 386 computer with six terminals. With the active support of the Registry of Supreme Court, in 1990 NIC has expanded the activity by installing two more S/ATs with twenty terminals. Since then NIC has successfully computerised the following applications:

- (a) List of Business
- (b) COURT NIC
- (c) Caveat Matching Information System
- (d) Caselaw Retrieval System
- (e) Judges Library computerisation
- (f) Payroll computerisation

A. List of Business

The Supreme Court of India brings out the List of Business in two Parts on every working day of the Court. They are Part I and Part II.

The Part I contains Admission Cases (Fresh cases and Miscellaneous cases only) i.e. any case that has not been admitted so far in the Court is listed in Part I.

The Part II contains Regular Hearing cases i.e. all Admitted cases.

Complete data pertaining to about 50,000 pending cases has been entered in the system.

Major advantages of the computerisation projects are that the Registry has been made to adhere to the prescribed rules of Listing strictly.

- Cases are listed strictly according to the seniority of cases.
- Cases are listed before the Judges who are dealing with a particular set of subject categories.
- Any changes in the bench composition in the last minute due to the non-availability of Judges is taken care of by the Software.

- It has become easier to recall any dismissed case when a Review Petition is filed.
- On the spot statistical information is provided.
- Able to provide answers to Parliament Questions.

COURTNIC

For the first time in the history of Indian Judiciary, the Supreme Court pending cases information is available in all 450 and odd district headquarters in India on NIC's NICNET. COURTNIC is an information system designed to provide information on Supreme Court pending cases to a wide range of Users. COURTNIC caters to the information requirement of

- Judges of the Lower Courts
- Advocates
- Litigant Public
- Others who are interested in the on-going activities of the Highest Court of the Country.

The required information is derived from the large databases created in the Supreme Court of India by the National Informatics Centre and maintained by the Supreme Court. Though, till recently, the databases were created only for the purpose of decision making by the Registry of the Supreme Court of India, information of common interest to the legal community is derived from these databases.

The main objectives of COURTNIC are:

- To provide on-line Apex Court information to the litigant community across the Country within the shortest possible time.
- To inculcate informatics culture among the litigant public to enhance their confidence in the judicial process of the Country.
- To help the Registry of the Apex COURTNIC the execution of its functions by providing easy flow of information.

It gives the latest information with respect to the status of the case which could stand as: Disposed of, Adjourned, Date on which last listed, Waiting position, Appearing in list etc.

B. Caveat Matching Information System

Preliminary hearing of a case to be admitted in Supreme Court is heard ex-parte unless the party that won the case in High Court files a caveat in Supreme Court. To keep track of the parties that have filed caveats a 'Caveat Matching Information System' has been developed and being implemented for the last four years.

This on-line query system generates about 10 reports every day for various sections for their perusal. About 100 files are being cleared every day by making use of the query system.

C. Caselaw Retrieval System

Information related to about 18,000 reported cases of Supreme Court has been stored in the system. The system also contains Head notes (Gist of judgment) in respect of Industrial Dispute Act, Minimum Wages Act and other Acts related to Labour Act. An on-line query system has been developed and demonstrated to the full Bench of Supreme Court in 1988.

D. Case Library Information System

An on-line query system has been developed for providing information to Judges of Supreme Court regarding details of cases about which they have very vague idea. Accessing facilities such as Time & Judge wise and Time & Judge & subject wise etc. have been provided. The system is used extensively by the Judges Library of Supreme Court.

The successful experiment carried out by NIC in Supreme Court, Patna High Court and Faizabad commissionery has prompted the then Chief Justice of India to request NIC to propagate the same to other High Courts and Lower Courts. NIC has accepted the request to modernise all courts in the way it has been done in Supreme Court.

Under the project COURTIS:

- We have taken up 10 of the 18 High Courts for computerisation in the first phase and the rest of the High Courts are being taken up in 1993-94.
- We have provided necessary Hardware and Software in these High Courts.
- Interconnected some of the High Courts to Supreme Court through NIC's "NICNET". These High Courts are on "NICNET" for accessing various data bases and for interactive communications with Supreme Court and among themselves.
- Provided training to all Court officials of these Courts.

CENTRAL ADMINISTRATIVE TRIBUNAL

A. List of Business

Like in Supreme Court here also the day-to-day activity of List of Business has been computerised. The newly filed cases are straight away entered into the computer to get listed in its turn. A Query Information System has been developed to answer the queries of hundreds of litigants.

B. Court Orders Information System

By making use of the terminals provided in the LAN in various court rooms the daily orders, Judgments are being entered directly from the court rooms as soon as they are pronounced. By the time the Members go back to their Chambers the court orders are there on their tables for signatures. It has enabled in saving the valuable time of the Members. This has been very much appreciated by the Members. The operative part of the orders which are relevant to the Cause List generation is automatically transmitted to the Cause List system, thus bringing down the generation time of the List.

C. Caselaw Information System

All reportable cases of CAT are put into the system to have an up-to-date Caselaw Information System. A query system has been developed to answer the questions of Members of CAT. By making use of the database we are able to bring out 'DIGEST' on Quarterly basis. As CAT does not have any official publication of its own it is treated as the official publication from CAT.

DEPARTMENTS

Legal Affairs

An Information System has been developed to keep track of advises tendered by the department to other departments on legal matter and also to provide precedents to the officials of the Department so as to enable them to provide consistency in their advises.

Legislative Department

Complete 'Constitution of India' with schedules, amendments has been computerised. Now the system is operational.

For India Code an Information Retrieval Systems for keeping track of statutes, bills which are being enacted by Parliament from time to time has been developed. It enables the Department to do away with the present practice of "Cut and Paste" till all the Acts are reprinted again.

Justice Department

An Information System to keep track of Institution, Disposal and Pendency of Cases including Supreme Court, all High Courts and lower courts across the country has been developed. A query system has been developed to attend to the queries of the Parliament.

TARGETS

In Courts

Caselaws

Under the project COURTIS, it is proposed to create Case Law data banks at the respective High Courts and

Supreme Court as the cases may be, by the concerned court. By making use of the Software, Caselaw of any High Court may be accessed on the Network. As it is known caselaws are very voluminous. In India Supreme Court alone has got its Caselaws in 123 Volumes each volume containing about 1000 pages. Now Caselaw data banks are created by making use of Scanners & OCR Software to accomplish the creation of Data Bank within a reasonable time frame.

Creation of Data Bank is one aspect and implementation and training is totally different one. For this it is planned to provide training to all officials working in courts at different levels on a large scale. For each High Court there will be a separate technical consultancy cell of NIC to monitor implementation and training aspects.

Others

Management Information Systems are planned for the Department of Justice in order to provide Information Access with respect to total Institution, Pending and Disposal of all Cases in various Courts.

There is also a proposal to computerise 'Consumer Education and Research Centre' with the help of NIC. It is planned to connect all consumer groups in India and to provide accessing facility with overseas public interest groups.

NIC has got international Bibliographic information (including Legal Bibliography) on CD- Roms. This information is being updated quarterly. Users send their queries to NIC to get answers.

Computerised activities are going on in some of the Tribunals such as Income Tax Appellate Tribunal, Central Excise & Gold Appellate Tribunal.

GLOBAL ACTIVITIES

The experience gained by the computer professionals in India can very well be utilised by the Governments of other countries. As the progress of computerisation in Legal field in India is quite substantial and the information accessing facilities are universally common, the same software after standardisation can be put to use globally. Software development is only one side of the coin. The Himalayan task is going to be Data bank creation and its subsequent updations on day-to-day basis. The initial development of Data bank can be achieved by making use of Scanners and OCR Software by the respective Governments. The daily updations to maintain the Data bank up to date can be achieved only by equipping all legal departments and judiciary with suitable computer Hardware and technical personnel. Even after this, there must be some centralised agency in each Government to monitor the whole activity and make available the up-to-date data banks on the global Network. As suggested by the Commonwealth Secre-

tariat in a paper the availability of data bases on CD-ROM tapes may be cost-effective. For this proper coordination among the member countries is essential. The Commonwealth Secretariat may be entrusted with this responsibility of maintaining up-to-date data bank on CD-ROM disks and subsequent distribution to the member countries.

In view of the experience gained by India in the computerised Legal field it is felt with confidence that we can make a considerable contribution to the successful development of Legal Data bases and globalising the activity among all Commonwealth countries across the world.