

## Role of the Electronic Judicial Resource Management in Speedy Trial

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### Abstract

Accordingly, in the present chapter the researcher has tried to express the role of the modern information technology in the justice delivery system, which is well known as Electronic Judicial Resource Management as a means to provide speedy trial. There are various manner of the technology which can be proved as a dynamic in the judiciary. By using these means the burden of the judiciary upto somewhat extent can be reduce and it can improve the procedure of justice delivery so that the Right to Speedy Trial will be protected and no one will subject to the injustice. As the introduction of computer and information technology in the judiciary proving the effective, there are some of the means which can also improve existing position of the judiciary. Thus all such means of the electronic judicial resource management which will be helpful in speedy trial are discussed as under.

### Introduction:

The speedy trial is an instrument of the fair trial as enshrined in the Constitution of India. As a mandate of the Constitution it is required to apply the provision of the speedy trial to every criminal case where it possible so that the rights guaranteed by the Constitution should not be violated. But it is seen in the context of present judicial system that the certainty of long delays has rendered India's courts instruments of injustice rather than justice. The filing of cases, both civil and criminal, has become a means of harassment rather than a way to obtain justice. The delay in the trial is specifically not caused by judiciary, but there are several agencies responsible for delays, namely, the police, the lawyers and the accused. Though all of them play a contributory role in the delays, the very essential factor is the procedure of trial where everything depends upon the man power and documents in paper format which made the procedure feeble to conclude the trial expeditiously.

Since the Constitution guarantees the right to speedy trial, the agencies involved in the administration of justice should take care so that the right is not to be violated and for that purpose should use any measures which helps to protect this right effectively. As the procedure which depends upon the man power and documents in paper format, causes easy access of the Court to the accused as there is lack of manpower to bring the accused before the court from the jail and easy access to the documents as there are plenty of documents in the court relating each case. Thus it requires that the use of the modern means of technology which proved to be helpful in minimising the efforts and provide expeditious result to be included within the administration of justice.

Extensive use of information technology by diverse organizations all over the world has resulted in enhanced efficiency, effectiveness and optimal use of resources. Computers as well as electronic communication devices such as facsimile (duplicate)

machines, electronic mail, videoconferencing, provide the ability to process large volumes of data with speed and accuracy, exchange of useful information between different locations and support higher quality of decision making. In addition to their usual courtroom presentations, lawyers can have a growing number of technological choices in forming their arguments. They can present cases using computer-generated PowerPoint presentations and witness videoconferencing. Additionally, filing and serving all court documents can now take place electronically. In essence, a lawyer can dispose of a case, from complaint to judgment, without printing a single piece of paper. The implementation of these new technologies makes case management easier and more efficient. Some believe that the influx of technology may give an unfair advantage to “deep-pocket” litigants. These capabilities have contributed to more efficient and responsive systems not only in business organisations, but also in legal, governmental and other public systems. The use of the information technology has already introduced in the legal system, but not to the extent which can result in the better position of the court in concluding the trials speedily.

Hence, the judicial organisation should be prepared for the introduction of computers and information technology at all level. Source documents should be obtained and gone through for source coding, data entry and connected technical operations. This should be done by a team of computer professionals. The period during which the manual work would run simultaneously with computerisation after introduction of computers should be determined and the phasing out should be free of all hassles.

**Objectives:** while doing this research researcher has framed following websites:

1. To stress on right to speedy trial as a fundamental right in India.
2. To state importance of the electronic judicial resource management in speedy disposal of cases.
3. To define role of the electronic judicial resource management in speedy disposal of cases.
4. To highlights various means of electronic judicial resource management
5. To discuss hurdles for implementation of the electronic judicial resource management while disposing the cases.

**Research Methodology:**

While doing this research work the researcher has collected data from various books of imminent authors, Law Journals and also collected cases from various websites therefore the researcher has adopted Doctrinal Method.

**Importance of Electronic Judicial Resource Management:**

The concept of Electronic Judicial Resource Management signifies the use of the information technology in the management of the judicial affairs. It includes the use of electronic form in every possible management, the use of technology in day to day dealings of the Court and the related agencies. Thus it is the management of every possible interaction of the Court.

The basic feature of electronic judicial resource management is the empowerment of the people administering the justice delivery system. It mainly focuses on the development of information technology based solutions and processes that will satisfy the suffering needs. This can be achieved by making the structure of the processes as to adoption of information technology, exploiting and harnessing the available talents and expertise. The e-JRM will allow the citizens to access information from the justice delivery system at anytime, anywhere, and this will lead into transparency in the entire judicial process. Everyone will become aware of their

rights and aware about the reasons for the delay in the process of justice. Thus, this empowerment will transform justice delivery system into one of the most efficient organs of the State and will help in safeguarding the Right of Speedy Trial as guaranteed by the Constitution.

Accordingly, the introduction of the information technology in the judiciary is already started by using the computers in the court's office work, by creating the websites of the several courts including the Supreme Court of India and by various other means of the information technology. Thus no fundamental change in the existing organisation structure is required for the total introduction of the e-JRM in the justice delivery system of India. It will require consolidation and centralisation of some of the administrative procedures for better control, maximising operating efficiencies and optimum utilisation of the resources.

The statement made by the Justice R. C. Lahoti, 'the core values of justice and judges are eternal and have been handed down as a rich heritage from the past to the present. However, today, we are living in the age of computers. Our methodologies are outdated and need a relook with innovation. Thus the modernising the justice delivery system by employing information technology has been approved in the Conference of the Chief Ministers of the States and Chief Justices of the High Court held in New Delhi in the year 2004. As a follow up of this conference, an e-Committee has been constituted by the Government of India to assist the Chief Justice of India in formulating a National Policy on computerisation of the Indian Judiciary and advise on the technology, communication and management related change. In this context the electronic judicial resource management (e-JRM) for managing the courts in the 21<sup>st</sup> Century assumes importance.

### **Role of the Electronic Judicial Resource Management in the Speedy Trial:**

The electronic judicial resource management system is an important tool for improving the justice delivery system and the court performance by providing swift and accurate information resulting in the worth achievement. Thus the trail will be definitely concluded expeditiously by introduction of the e-JRM in the justice delivery system. Whereas there is a tremendous amount of the information technology is available, in this research the researcher will only cover certain common technologies which supposed to enabling technologies that have the potential to make the maximum impact in the field of judiciary. Some of the enabling technologies are discussed as under –

- a. Video Conferencing
- b. Courtroom Technologies
- c. Interconnected Database management
- d. Communication Technology
- e. Digitalisation of court record
- f. Websites of the Court
- g. Voice and Speech Recognition Technologies
- h. Imaging of the Documents

**a. Video Conferencing:**

The video conferencing is the very important aspect of modern technology in which all that needs to be done is to put a video camera and a television set in a place and simultaneously another video set is to put up at the another place. In other words, video conferencing is the conduct of a videoconference by a set of telecommunication technologies which allow two or more locations to communicate by simultaneous two-way video and audio transmissions. It has also been called visual collaboration.

The court may allow evidence to be taken using video conferencing facilities. Taking evidence by this means is comparatively straightforward. Its efficacy may, however, depend on the type of witnesses, the nature of the case, and the volume and nature of documents, which need to be referred to in the course of the evidence. Guidelines should be provided for detailing the manner in which videoconferencing facilities may be used in the court proceedings. Permission to use videoconferencing during a hearing should be obtained as early as possible in the proceedings. If all parties to the proceedings agree to the use of videoconferencing, then a hearing may not be necessary to obtain such permission. The arrangement for video conferencing will have to be made in courtrooms designed for the purpose, and the video managers must be instructed sufficiently in advance to ensure that all necessary arrangements are made for the hearing. Apart from the courtrooms in which videoconferencing arrangement is made available, arrangement, will also have to be made in the Bar associations, legal aid centres, jails, offices of the government lawyers, etc., for providing the facility of hearing by videoconferencing. The party seeking to use the facilities should be responsible for making all the necessary arrangements. Videoconferencing can be a very convenient mode of hearing appellate arguments in conjunction with electronic appeal book. Thus the Videoconferencing can bring witnesses into the courtroom from remote locations, facilitating sensitive testimony.

The advantages of the videoconferencing in the Speedy trial are as the prisoners can be produced on a timely basis, it obviates the need to produce remand prisoners in courts. The extension of remand can place electronically from the prison itself. There is a reduction in the number of adjournments, which is often the result of an accused not being present at all or on time at the hearing. As there is shortage of man power in the police, they need not have to worry about sparing men who are already in supply, to escort the under trials to courts. Further the speedy trial of cases can be ensured due to the time saved in the whole process.

**b. Courtroom Technologies:**

The courtroom technologies are those technologies which are used within the courtroom. These technologies includes various aspects such as Multimedia presentation capabilities, Flat screen technology in the judge box, witness box, at each counsel table, with the court reporter, High speed printing for video evidence preservation, Digital Evidence Presentation System. These technologies can make the courtroom effective so that the process of the court can become expeditious.

**Digital Evidence Presentation System:**

Technology based evidence presentation is substantially faster than traditional methods, and it also does a better job of presenting information. Technology permits courtroom options not otherwise possible. The evidence taken in the digital form will create the files that can be made available to the judges and the judicial officers for

their study and in the court quickly. The digital evidence saved in the video format can be easy to understand to the court, witness himself and the accused later on in the further proceeding so that the evidence once taken will have the strong effect at every stages of trial.

As a result of digital recording of the evidence it saves the valuable time of court and the can be accessible easily and swiftly, which will assist in the concluding the trial speedily.

**c. Interconnected Database Management:**

The electronic judicial resource management system will comprise of interconnected databases. These databases will provide the effective management of the court office work. It will include the following examples of databases:

**i. Process Database:**

**a. Case Database:**

Database of each case that is filed, it will hold the entire information of the case, for example details of the litigant. The database will keep record of each event as case progresses from one milestone to the next till the litigants receive the copy of the judgement. It will be a dynamic document till the judgement is delivered.

**b. Process Server Database:**

Database that will hold data on the process server including his beat, it will give the details of the summons that process server is required to serve; daily record of summons served; outstanding summons and status of each summon. Summons served will be recorded in this database. As soon as this information is entered, the system will automatically update the related database. Performance and productivity of each process server and comparison will be available.

**ii. Judge Database:**

**a. Case database:**

Database of all the cases allocated to a judge. It will have a snapshot synopsis of the case with hyperlinks to the detailed information. It will be designed to hold evidence in digitalised format and an image of the physical file. It will be accessible to the nominated judge/ judicial officer and designated officer. When fully operational, there will be limited movement of the physical files.

**b. Private database:**

Judges and judicial officers can create their own databases of cases or notes that they refer while researching for a case or in the Court. This will provide facility for storing sensitive information in a completely distinct database, accessible only to the owner of the database.

**d. Communication Technology:**

The emerging trends of information technology are enabling the modes of communication very effective so that the people can communicate swiftly and easily and cost effective. The most significant advances have come from the convergence of Communications and Information Technology. Broadband communications is an

enabling technology that will make it possible to transmit multiple forms of data such as audio, video, voice and streaming media across vast distances. In turn, this opens up applications in areas that require streaming media, conferencing and distribute computing. Cost effective broadband communication services will increase the acceptability of the Internet as a powerful medium for the delivery of applications in the area of Indian judiciary.

The wireless technologies are also enabling the communication effective, there are various wireless devices which can be helpful in the communication such as Bluetooth, Wi-Fi and so on. The wired technologies such Ethernet, Fast Ethernet becomes the means of better communication. Consequently, the communication between the two or more courts, courts and lawyers, and courts and accused person is become easy and swift, which will help in the concluding the trial expeditiously.

**e. Digitalisation of court record:**

The digitalisation of record means conversion of the paper document into digital format either by way of scanning or any other possible means. The digitisation is regarded as a need of time, where everything is expected swiftly, and the digitalisation of the records of the court is felt the necessary to stay with time. The process of the digitalisation of the court record could be helpful in speed up the procedure of the court and ultimately will help to protect the right to speedy trial. As the Dr A.P.J. Abdul Kalam, former President of India made the observations in his address at the inauguration of the all India seminar on Judicial Reforms with special reference to the arrears of court cases on 29 April 2005, 'the judgements of the Supreme Court and some High Courts are now available in the Internet. This step has considerably relieved the agony of the litigants and also enables others to use these judgements in their areas of interest. It is a giant leap. It is essential that all other courts in the country also follow this model and that has to be enforced by the Law Ministry, State Government and the higher judiciary.'

In India the Supreme Court of India and the High Courts are courts of records and the entire record of every petition filed has to be maintained permanently. And these Courts are about to maintain those records, but there are several issues which causes the problems in doing such physical storage of records. These problems can be roughly categories as large space required to maintain the records, access to information by the anybody is restricted to a single user at the location of the records, delays in providing the records for examination, life of physical records is not so long because of constant physical handling, the manpower required to maintain the records and archive. Thus, all these issues relating to the physical documentation could be sort out by the digitalisation of the record.

Accordingly, the digitalisation of the record of the court can bring the significant changes in the existing judicial system as the information of the court can be easily accessible to more people at the same time. In some criminal cases the trial is kept pending due to the record of the higher courts are not made available speedily to the lower court i.e. trial court. The procedure presently followed for the access of documents in the trial court is responsible for the pending trial which is violating the right to speedy trial. Hence, the Right to Speedy Trial can be safeguard by digitalisation of the Court Record in Indian judicial system.

**f. Websites of the Court:**

The website is well known to everyone in the 21<sup>st</sup> Century, it is the address of the server computer where the data is stored and by using this address the information or any file at that server can be easily access. Website is one of the most powerful tools available to an organisation for communication, it is the significant mode of technology used all over the world, thus exploitation of this technology by the Courts to the fullest extent will go a long way in the confidence building measures that Conference of the Chief Ministers of the States and Chief Justices of the High Court that was held in New Delhi in September 2004 has resolved.

If the courts in India use the website for their day to day procedure it will be easier to the people to know about the stages of the trial and will aware them about the status of the case. It will make them to follow up the procedure accordingly.

**g. Voice and Speech Recognition Technologies:**

Voice technologies include speech recognition and voice response. Other voice technologies include speech verification used for security, and speech synthesis used for translating text to voice. Speech recognition technology replaces a computer keyboard with a microphone and software to change the spoken word into typed characters - ideal for court staff with physical impairments or who lack typing skills. Voice response systems interact with callers through a telephone, asking questions and accepting responses to provide general information about the court, explain case and calendar status, schedule hearings, accept pleas, and receive fines or other payments to the court. Both speech recognition and voice response technology can improve public access to the court and enhance staff productivity which leads to quick procedure of the trial.

**h. Imaging of the Documents:**

Imaging is a technology that stores documents filed with the court as electronic photographs in a computer system, which can then display them on workstation screens, eliminating the need to retrieve paper files. The computer operator can route these documents to appropriate work locations in seconds, rather than spending hours or days tracking down paper files. Several individuals can use the same record simultaneously at different locations. By speeding the resolution of cases, imaging increases staff productivity and improves public access to the judicial system. Space needed for record storage is reduced, security enhanced, and original paper documents saved from wear and tear. Court imaging systems typically consist of a computer, scanners, document and case management software, storage devices, workstations, printers, facsimile machines, and communications networks. Thus as the single document present at various places with easy access improves the work of the court and the proceeding of the court and which ultimately results in the expeditious trial which is the aim of the Constitution.

The above are some of the areas where information technology can be introduced after due preparation. In particular, tracking of cases would result in better monitoring and control of cases by the presiding officers, rather than by the lawyers. Computerisation should be supplemented by the use of fax, e-mail, videoconferencing and other facilities for higher productivity and quicker decision making at all levels. Satellite communication technology is slowly being adopted to improve the overall effectiveness of communication networks over large geographic mass. The electronic

judicial resource managements hence plays the key role so as to provide the expeditious trial and protects the accused as well as the complainant from the long and lengthy procedure of the trial. The use of the all the modern techniques in the Indian courts is not possible at the same time at every court, it needs the efforts of the judiciary as well as the administrative agencies to bring all those changes so that the Right to Speedy Trial will be protected.

### **Sum Up:**

As we know that right to speedy trial is an important fundamental right in India therefore it should not be infringed by any authority. Therefore, from the above made discussion it reveals that the electronic judicial resource management is playing an effective role in providing the trial speedily. In the administration of justice there are various loopholes which are causing the delay in the proceeding of trial and because of this the ratio of pending trials is growing day by day. The e-JRM has the potential of accelerating such existing justice delivery system, by applying the means of the modern technology.

The e-JRM is proved as a better means to provide the speedy trial in the courts where the modern technology is used. Videoconferencing is one of the most important means of the e-JRM which used in India by several courts and by their experience it is proved that it making the judicial process easy and speedy. Thus as the role of the computer and information technology as an aspect of the electronic judicial resources management in the justice delivery system in India is significant.

The one most important conclusion which has drawn from this above discussion is that even though the involvement of the e-JRM system in India has been started but it is not upto the required end. Thus the necessity of time is that the participation of the e-JRM in the justice delivery system should be increased and for that purpose all the agencies in the justice delivery system has the take efforts together and in all the possible level as it will reform the whole judiciary.

### **References:**

1. The International Covenant on Civil and Political Rights, Vol. 7, No.2 - special report on 'judicial delays to criminal trials in Delhi,' (June 2008)
2. [http://www.ebc-india.com/lawyer/articles/2004\\_7\\_13.htm](http://www.ebc-india.com/lawyer/articles/2004_7_13.htm) (Visited on 12<sup>th</sup> April, 2012)
3. Agarwala K. N. and M. D. Tiwari, (2006) Electronic Judicial Resource Management 25 Macmillan India Ltd. Delhi.
4. <http://en.wikipedia.org/wiki/Videoconferencing> (Visited on 26th June, 2012)
5. Khanna Hans Raj, (2008) making of India's Constitution, Eastern Book Company.
6. Kanahaiylal Sharma, (2002) Reconstitution of the Constitution of India, 149 Deep and Deep Publication.