

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
(DEPARTMENT OF JUSTICE)**

**LOK SABHA
UNSTARRED QUESTION No. 4000
TO BE ANSWERED ON FRIDAY, THE 24th MARCH, 2023**

Security of Judicial Digitisation Process

**4000. SHRI DAYANIDHI MARAN:
SHRI COSME FRANCISCO CAITANOSARDINHA:**

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the steps taken/being taken to digitize the judicial process and ensure data and cyber security during digitization processes in the judiciary;
- (b) the steps taken by the Government to improve the situation of Courts in dealing with cases after the Covid-restrictions/Covid-shock;
- (c) whether the Government has considered the challenges and the opportunities the online-environment provides with regards to the pendency of cases;
- (d) if so, the details thereof;
- (e) the performance of online-hearings that has been realized in the country; and.
- (f) whether any steps or proposals are being considered to increase the strength of the judiciary and process cases faster and if so, the details thereof?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a) to (e): The Government has launched the eCourts Integrated Mission Mode Project in the country for computerization of District and subordinate courts with the objective of improving access to justice using technology. As part of the National eGovernance Plan, the project is under implementation since 2007 for ICT enablement of the Indian Judiciary based on the ‘National Policy and

Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary”. eCourts project is being implemented in association with e-Committee Supreme Court of India and Department of Justice. Phase I of the project was implemented during 2011-2015. Phase II of the project started in 2015 and 18,735 District & Subordinate courts have been computerised till phase II. The Government has taken the following digital initiatives under eCourts Project to make justice accessible and available for all: -

- i. Under the Wide Area Network (WAN) Project, connectivity has been provided to 99.4% (2976 out of earmarked 2994) of total Court Complexes across India with 10 Mbps to 100 Mbps bandwidth speed.
- ii. National Judicial Data Grid (NJDG) is a database of orders, judgments, and cases, created as an online platform under the eCourts Project. It provides information relating to judicial proceedings/decisions of all computerized district and subordinate courts of the country. Litigants can access case status information in respect of over 22.38 crore cases and more than 20.83 crore orders / judgments (as on 01.03.2023).
- iii. Case Information Software (CIS) based on customized Free and Open-Source Software (FOSS) has been developed. Currently CIS National Core Version 3.2 is being implemented in District Courts and the CIS National Core Version 1.0 is being implemented for the High Courts.
- iv. As part of eCourts project, 7 platforms have been created to provide real time information on case status, cause lists, judgements etc. to lawyers/Litigants through SMS Push and Pull (2,00,000 SMS sent daily), Email (2,50,000 sent daily), multilingual and tactile eCourts services Portal (35 lakh hits daily), JSC (Judicial Service centres) and Info Kiosks. In addition, Electronic Case Management Tools (ECMT) have been created with Mobile App for lawyers (total 1.64 cr. downloads till 31st January 2023) and JustIS app for judges (18,407

downloads till 31st December 2022). JustIS mobile app is now available in iOS as well.

- v. The India emerged as a global leader in Video Conferencing. The High Courts (77,67,596 cases and Subordinate Courts 1,84,95,235 cases) have conducted 2.63 crore virtual hearings till 31.01.2023. The Hon'ble Supreme Court of India held 4,02,937 hearings through video conferencing till 31.01.2023. VC facilities have also been enabled between 3240 court complexes and corresponding 1272 jails. Funds for 2506 VC cabins and VC equipment for 14,443 courtrooms have also been released. 1500 VC licenses have been procured to promote virtual hearings.
- vi. 21 Virtual Courts in 17 States/UTs have been operationalized to handle traffic challan cases. More than 2.53 crore cases have been handled by 21 virtual courts and in more than 33 lakhs (33,57,972) cases online fine of more than Rs. 359.34 crore has been realized till 31.01.2023.
- vii. New e-filing system (version 3.0) has been rolled out for the electronic filing of legal papers with upgraded features. Draft eFiling rules have been formulated and circulated to the High Courts for adoption. A total of 19 High Courts have adopted the model rules of e-Filing as on 31.01.2023.
- viii. e-Filing of cases requires the option for electronic payment of fees which includes court fees, fines and penalties which are directly payable to the Consolidated Fund. A total of 20 High Courts have implemented e-payments in their respective jurisdictions. The Court Fees Act has been amended in 22 High Courts till 31.12.2022.
- ix. To bridge the digital divide, 689 eSewa Kendras have been rolled out with the intention of facilitating the lawyer or litigant who needs any kind of assistance ranging from information to facilitation and eFiling.

- x. National Service and Tracking of Electronic Processes (NSTEP) has been launched for technology enabled process serving and issuing of summons. It has currently been implemented in 28 States/ UTs.
- xi. A new “Judgment Search” portal has been started with features such as search by Bench, Case Type, Case Number, Year, Petitioner/ Respondent Name, Judge Name, Act, Section, Decision: From Date, To Date and Full Text Search. This facility is being provided free of cost to all.
- xii. Towards creating widespread awareness and familiarization of eFiling and eCourts services and to address “skill divide”, a manual on eFiling and a Brochure on “How to register for eFiling” has been made available in English, Hindi and 11 regional languages for the use of the lawyers. A YouTube channel has been created in the name of the e Court services with video tutorials on eFiling. The eCommittee of the Supreme Court of India has conducted trainings and awareness programmes on the ICT services. These programmes have covered nearly 5,13,080 stakeholders, including High Court Judges, Judges of the District Judiciary, Court Staff, Master Trainers among Judges/DSA, Technical Staff of High Courts, and Advocates.

The Supreme Court in its decision in Justice K S Puttaswamy (Retd.) v. Union of India has held that right to privacy is protected as an intrinsic part of right to life and personal liberty under Article 21 and as a part of the freedoms governed by Part III of the Constitution. To balance the right of privacy, right to information and data security, a Sub-Committee consisting of six judges of the High Courts, assisted by technical working group members consisting of domain experts, has been constituted by the Chairperson of the e-Committee to suggest/recommend secure connectivity and authentication mechanisms for data protection to preserve the right to privacy. The Sub-Committee is mandated to critically assess and examine the digital infrastructure, network and service

delivery solutions created under the e- Courts project forgiving solutions for strengthening data security and for protecting the privacy of citizens.

During the COVID period, a COVID-19 Management Patch was developed in the CIS to help in smart scheduling of cases thereby enabling judicial officers to retain urgent cases and adjourn cases not urgent on cause list. In addition to above initiatives the Department of Justice along with eCommittee, Supreme Court of India have emphasised the utilization of the initiatives undertaken under eCourts Project to improve the situation of Courts in dealing with cases post Covid.

Virtual hearing has served a significant purpose of ensuring access to justice. Though there are some of the challenges pertaining to virtual hearing but following benefits accrued outweigh the challenges:

- The lawyers and litigants can appear before the court from any location (far-flung areas as well) of their choice.
- There is considerable saving of time and money thus helping under privileged litigants
- The lawyers can attend hearings at multiple locations at short notice.
- Production of witnesses becomes easy as they can be at their own safe locations.
- Movement of under trial prisoners can be done very economically and conveniently.

Thus online hearing leads to faster adjudication of cases thereby reducing pendency of cases.

(f): In so far as the steps/proposal for increasing the strength of the judiciary is concerned, The Union Government does not have any role in the selection, appointment and/or increase in strength of judicial officers in District and Subordinate judiciary. In so far as recruitment of judicial officers in the States is

concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States. As provided under proviso to Article 309 read with Articles 233 and 234 of the Constitution which empowers the respective State Government, in consultation with the High Court, to frame the Rules and Regulations regarding the issue of increase in strength and/or appointment of Judicial Officers in the State Judicial Service.

Regarding the steps/proposals for processing of cases faster, the disposal of cases lies exclusively within the domain of the judiciary. The Central Government has no direct role in the matter. However, the Government has taken several initiatives to provide suitable environment for timely disposal of cases by the judiciary, as follows:

- i.** Under the Centrally Sponsored Scheme for Judicial Infrastructure, funds are being released to States/UTs for construction of court halls, residential quarters for judicial officers, lawyers' halls, toilet complexes and digital computer rooms that would provide infrastructure aimed to ease the work of lawyers and litigants and aid justice delivery. As on date, Rs. 9755.51 crores have been released since the inception of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary in 1993-94. The number of court halls has increased from 15,818 as on 30.06.2014 to 21,271 as on 28.02.2023, and number of residential units has increased from 10,211 as on 30.06.2014 to 18,734 as on 28.02.2023, under this scheme.
- ii.** Further under the e-Courts Mission Mode Project, information and communication technology (ICT) has been leveraged for IT enablement of district and subordinate courts. The number of computerised district & subordinate courts has increased to 18,735 so far. WAN connectivity has been provided to 99.4% of court complexes. Video conferencing facility has been enabled between 3,240 court complexes and 1,272

corresponding jails. 689 e-Sewa Kendras have been set up at court complexes to facilitate lawyers and litigants needing assistance ranging from case status, getting judgments/orders, court/case-related information, and e-filing facilities. 21 virtual courts have been set up in 17 States/UTs. As on 31.01.2023, these courts have handled more than 2.53 crore cases and realized more than Rs. 359 crores in fines. E-courts Phase III is about to begin which intends to incorporate latest technology such Artificial Intelligence(AI) and Block chain to make justice delivery more robust, easy and accessible to all the stakeholders.

- iii. Government has been regularly filling up the vacancies in higher judiciary. From 01.07.2014 to 21.03.2023, 54 Judges were appointed in Supreme Court. 887 new Judges were appointed and 646 Additional Judges were made permanent in the High Courts. Sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1114 currently. sanctioned and working strength of judicial officers in district and subordinate courts has increased as follow:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
20.03.2023	25,189	19,522

However, filling up of vacancies in subordinate judiciary falls within the domain of the State Governments and high courts concerned.

- iv. In pursuance of a Resolution passed in Chief Justices' Conference held in April, 2015, Arrears Committees have been set up in all 25 High Courts to clear cases pending for more than five years. Arrears Committees have been set up under District courts as well.
- v. Under the aegis of the Fourteenth Finance Commission ,the government has established Fast Track Courts for dealing with cases of heinous crimes; cases involving senior citizens, women, children etc. As on 31.01.2023, 843 Fast Track Courts are functional for heinous crimes, crimes against women, and children etc. To fast track criminal cases

involving elected MPs / MLAs, ten (10) Special Courts are functional in nine (9) States/UTs. Further, the central government has approved a scheme for setting up 1023 Fast Track Special Courts (FTSCs) across the country for the expeditious disposal of pending cases of Rape under IPC and crimes under POCSO Act. As on date, 28 States/UTs have joined the scheme.

- vi.** With a view to reduce pendency and unclogging of the courts, the Government has recently amended various laws like the Negotiable Instruments (Amendment) Act, 2018, the Commercial Courts (Amendment) Act, 2018, the Specific Relief (Amendment) Act, 2018, the Arbitration and Conciliation (Amendment) Act, 2019 and the Criminal Laws (Amendment) Act, 2018.
- vii.** Alternate Dispute Resolution methods have been promoted wholeheartedly. Accordingly, the Commercial Courts Act, 2015 was amended on 20th August, 2018 making Pre-institution Mediation and Settlement (PIMS) mandatory in case of commercial disputes. Amendment to the Arbitration and Conciliation Act, 1996 has been made by the Arbitration and Conciliation (Amendment) Act 2015 for expediting the speedy resolution of disputes by prescribing timelines.
- viii.** Lok Adalat is an important Alternative Disputes Resolution Mechanism available to common people. It is a forum where the disputes/ cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably. Under the Legal Services Authorities (LSA) Act, 1987, an award made by a Lok Adalat is deemed to be a decree of a civil court and is final and binding on all parties and no appeal lies against thereto before any court. . Lok Adalat is not a permanent establishment. National Lok Adalats are organized simultaneously in all Taluks, Districts and High Courts on a pre-fixed date. The details of the case disposed off in Lok Adalats during the last three years are as under:-

Years	Pre-litigation Cases	Pending Cases	Grand Total
2021	72,06,294	55,81,743	1,27,88,037
2022	3,10,15,215	1,09,10,795	4,19,26,010
2023 (till Feb)	1,75,98,095	30,25,724	2,06,23,819
Total	5,58,19,604	1,95,18,262	7,53,37,866

- ix. The Government launched the Tele-Law programme in 2017, which provided an effective and reliable e-interface platform connecting the needy and disadvantaged sections seeking legal advice and consultation with panel lawyers via video conferencing, telephone and chat facilities available at the Common Service Centres (CSCs) situated in Gram Panchayat and through Tele-Law mobile App.

***Percentage Wise break-up of Tele – Law Data**

Till 28th Feb, 2023	Cases Registered	% Wise Break Up	Advice Enabled	% Wise Break Up
Gender Wise				
Female	11,46,046	33.43	11,23,504	33.49
Male	22,82,642	66.57	22,31,041	66.51
Caste Category Wise				
General	7,31,346	21.33	7,12,646	21.24
OBC	10,08,050	29.40	9,83,336	29.31
SC	10,86,611	31.69	10,66,037	31.78
ST	6,02,681	17.58	5,92,526	17.66
Total	34,28,688		33,54,545	

- x. Efforts have been made to institutionalize pro bono culture and pro bono lawyering the country. A technological framework has been put in place where advocates volunteering to give their time and services for pro bono work can register as Pro Bono Advocates on Nyaya Bandhu (Android & iOS and Apps). Nyaya Bandhu Services also available on UMANG Platform. Pro Bono Panel of advocates have been initiated in 21 High

Courts at the State level. Pro Bono Clubs have been started in 69 select
Laws Schools to instil Pro Bono culture in budding lawyers.
