

Mission Karmayogi



Information Management (Court Cases)

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Introduction

The concept of information in the sense of knowledge communicated plays a central role in present society. Information is stored knowledge. Traditionally the storage medium has been books, but with development of information technology, the electronic media are becoming important. Information management is an emerging field of concerns for all organizations. The major focus areas in Information management pertain to the infrastructure used to collect, manage, preserve, store and deliver information; guiding principles that allow information to be available to the right people at the right time; information, both digital and physical, is an asset and requires proper management; and the organizational and social contexts in which information exists. The basic purpose of information management is to design, develop, manage, and use information with innovative techniques so that creates value for individuals, organizations, communities, and societies. The present paper examines the information management of the court cases, examines the problems in the judicial system which are hampering productivity and measures needed to for better case management to bring productivity in the judicial system and make it citizen friendly.

Information & Information Management- Concept

In a broad sense, 'information' is data that has been processed, organised, and structured. It is a stimulus that has significance for the recipient in some context. Data is the term used to describe information that is fed into and stored in a computer. After processing, including formatting and printing, the output data may be seen as information once again. The term "information" refers to both electronic and physical data.

Information includes both electronic and physical information. Information enables responsible authorities to make informed decisions by providing facts in a way that management can understand. It is important to note that the worth is not only in the knowledge itself, but also in the actions that result from it. Today the need is that the organizational structure must be capable of managing this information throughout the information lifecycle regardless of source or format (data, paper documents, electronic documents, audio, video, etc.) and ensure its delivery through multiple channels that may include cell phones and web interfaces.

Information Management - The collecting and administration of data is known as information management (IM). Information management¹ encompasses all general management principles, such as planning, organising, structuring, processing, regulating, evaluating, and reporting information operations, to satisfy the demands of people with organisational responsibilities or functions that rely on this information. The gathering and administration of information from one or more sources, as well as the delivery of that information to one or more audiences, is known as information management. Those with a stake in or a right to that information are occasionally

involved. The organisation of and control over the structure, processing, and transmission of information is referred to as management.

Importance of Information Management

Information management is, as it sounds - the collection and management of informationⁱⁱ. This information can come from a range of sources, stored in a variety of formats, and be distributed to more than one audience. Information Management is a process of ensuring that information is available to the right person, in the right format at the right time. Information governance, information asset management, information security, records management, and information access and usage management are only a few of the areas involved. We don't just manage data for the sake of managing it - all government data is managed for a reason, and that reason is to make every bit of data and information count toward a business goal. Data, information, technology, information systems, business processes, and, most crucially, affected people are all brought together by information management.

Requirements of Good Information Management System – There are various requirementsⁱⁱⁱ of a good Information Management System. But important ones are highlighted below:-

- (a) **Easy to Understand** Because the information is already summarised, the receiver must comprehend it in order to appropriately understand it. He must be able to decipher any abbreviations, shorthand notations, or other acronyms that may be present in the data.
- (b) **Relevant** This implies that information should be relevant and important to the decision maker, as well as being within his sphere of influence.
- (c) **Complete** It should provide all of the facts essential for the decision maker to address the problem efficiently utilising the information provided.
- (d) **Accessibility** If information isn't easily available in the correct format and at the right time, it might be worthless. Information is now more easily accessible because of technological advancements.
- (e) **Reliability** The information must be credible. It must be truthful, factually correct, and provable. Incomplete or inaccurate information frequently leads to poor-quality judgments.
- (f) **Concise** Too much information puts a strain on leadership, and it can't be processed quickly or properly. Information should be brief and to the point. It should be weighed that nothing important should be missed out which has a bearing on decision making.

(g) **Timely** Right information must be delivered at the right time and the right place to the right person. The interval between data gathering and effective information delivery to the decision maker must be minimised. Sometimes late information is unnecessarily creates added costs.

(h) **Cost Effective** If the remedy is more expensive than the issue, the information is useless. Collection, collation, filtering, processing and summarizing information have their costs.

Present Situation in Courts-Issues relating to productivity

Hon'ble Chief Justice AP Shah^{iv} of Delhi High Court earlier stated that it would take 466 years to clear backlog of cases piled up in the Delhi High Court if the system works with the same efficiency. Union law minister Kiren Rijiju^v said on Sep 03, 2021 that the pendency of cases has in the courts has become a “challenge” and it is in the lower courts that we need to look at it urgently.

As per the reports^{vi}, in April 2018, there were more than three crore cases pending in the Supreme Court, various High Courts, and the subordinate courts. The number of cases pending in all courts increased by 8.6 percent between 2006 and 2018. A study^{vii} on court management techniques for improving the efficiency of subordinate courts by NALSAR, Hyderabad of 2017 found that delayed justice system is adversely affecting India's ease of doing business rankings.

As per the study By NALSAR Hyderabad^{viii} in their ‘study on court management techniques for improving the efficiency of subordinate courts’ Everlasting cases, prolonged delays, inexorable adjournments, high litigation costs annihilate the common man's confidence and trust in the justice delivery system of the country. It is recognized that India requires proper case management and also court administration systems to achieve the goal. It lists inefficient case management is one of the major reasons for judicial delays. The courts lack trained personnel and the existing staff have not been trained to use technology or to maintain data scientifically.

Aspects of Court Management

The institutional framework^{ix} within which the Indian courts operate has historically neglected the concepts of management and sound administration. There are various important aspects of court management: -

- (a) Moving from files to an electronic data system and upgrading the court management system using ICT.
- (b) Having lower court judges take responsibility and lead the court in adopting administrative rules that will allow the courts to function effectively.

- (c) Implementing an effective case management system helps track caseloads and trends, as well as detect issues that cause trial delays. Prioritizing old cases such that those that have been outstanding for more than two or five years be dealt with first.
- (d) Under the supervision of the sitting judge, entrusting administrative tasks of the court to professionals (court managers).
- (e) Inspecting and preparing the budget for the subordinate courts.

Case Management System - It is a necessary component of judicial administration. The judicious use of case management assists enhance public trust in the functioning of the courts and the responsibility of judges by minimising the time spent for resolving conflicts. Case management includes case screening, case priority, alternative dispute resolution/diversion referral, monitoring of case progress, methods to avoid delay and use of ICT for case tracking, case management system, office automation and recording of statement of accused from prisons through video conferencing.

Computerization & Digitalization of Judicial Information

The initial steps toward computerizing the lower judiciary were launched in 1997, and over two and half decades later, the lower judiciary is still not fully computerized and interconnected. The establishment of the E-Committee by the Government of India in 2004 on the proposal of then-Chief Justice of the Supreme Court of India Sh RC Lahoti gave birth to the vision of a standard information and communication technology enabling of the Indian judiciary. The National Informatics Centre (NIC) implemented the e-Courts initiative as a Mission Mode Project (MMP) as part of the National e-Governance Plan (NeGP). For better consistency and synchronisation one of the major criteria identified in the National Policy 2005 was to have uniform software at all judicial complexes. Recognizing the shortcomings of the current justice delivery system, and in order to reduce the backlog of cases and further modernise the judicial system, a proposal for a National Court Management System^x (NCMS) was floated, with the goal of improving the quality, responsiveness, and timeliness of Court. The National Court Management Systems (NCMS) was formed in India in 2012 on the orders of the Honble Chief Justice of India, after consultation with the Minister of Law and Justice. The NCMS is overseen by the Honble Chief Justice of India.

The six primary aspects were incorporated in the NCMS to include measure performance standards for Indian courts, addressing issues of quality, responsiveness and timeliness, monitor and enhance the performance parameters, enhance user friendliness of the Judicial System, via technology, provide a common national platform for recording and maintaining judicial statistics from across the country through a National System of Judicial Statistics (NSJS), provide a framework for systematic five year plans for the future development of the Indian judiciary through a Court Development Planning System and determine the standards on selection and training of judges of subordinate courts through a Human Resource Development strategy.

E-Courts

The e-Courts project was divided into three phases. The 13th Finance Commission recommended a disbursement of Rs.5000 crore for the period 2010-15 with the goal of enhancing speedier justice delivery.

The goal of e-Courts was to make judicial processes easier. All work in e-Courts is done digitally, with shared and organised information saved in a database and synchronised with particular software. Prosecutors, judges, and attorneys can use this programme at any time and from any location. The major goal of e-Courts was to make the judicial system more cost-effective, quicker, transparent, and responsive by reducing the amount of paper used. Computer server rooms and judicial service centres were prepared in a large number of court complexes during Phase I of the e-Courts initiative. The Policy and Action Plan for Phase II of the e-Courts Project formulated by the E-Committee was approved in January 2014. Phase II of the project provided for the following activities to be completed:-

- (a) All courts and legal aid agencies to have video conferencing capabilities.
- (b) Scanning and digitization of case files, as well as a document management system for digital archiving, storage, and retrieval.
- (c) All key divisions of the Registry use computers for day-to-day procedures and service delivery.
- (d) All courts to have an identical and unified Case Information System (CIS).

Phase III of the project envisaged usage of advanced information and communication technology tools, intensive training of judges and staff, warehousing big data and mining tools customization of data to crystallize change management in judiciary, biometric facilities, gateway & inter communication including electronic interface with other agencies, upgradation of centralised legal facilities, digital archived record room and digital library management system.

Review of e-Courts Project

The project implementation has seen repeated time and cost over runs. It was initially estimated that Phase I of the e-Courts project implementation would take only two years. The phase I of the project, however, could only begin in 2007. In August 2013, the e-Courts platform was opened. As a result, the project's Phase I schedules have been prolonged from two years to at least eight years. Even after this time has passed, it is realized that full coverage of automation has not yet been reached. Despite the fact that Phase II of the project was supposed to start in October 2014, the Union Cabinet approved the funding in July 2015. The implementation timeframe for Phase II has been extended to four years. The time lines for implementation of Phase III have not been given so far.

In spite of the above declared goals of uniformity, a detailed study^{xi} by Vidhi Centre for Legal Policy titled e-Courts in India – From Policy Formulation to Implementation on the implementation of e-Courts shows that uniform implementation is singularly lacking. Information and communication technologies at each of the High Court's appear to have followed an individualistic rather than a uniform approach as the deployment advanced. Different development and deployment of ICT appear to be emerging in the Indian court, rather than a single, uniform and holistic growth as envisaged initially under the Phase I and Phase II e-Courts project. It also found following other weaknesses:-

- (a) Various courts have different methods for finding, searching, and downloading cause lists, case status, orders, and judgements.
- (b) Before any court, a litigant or an advocate cannot view all of the material in a case, including case files, papers, records, and so on.
- (c) It is unknown whether the back-end of the system created, as well as the database architecture for various courts, is standard.
- (d) It's uncertain if the National Judicial Data Grid will allow for smooth data interchange across all of the country's courts.

Impact of COVID 19

The CO VID-19 situation provided the Indian court with a fresh problem. The Supreme Court and High Courts have begun admitting really urgent issues for hearing through video-conferencing, which is excellent. Even the implementation of video conferencing has not been consistent. The e-Courts Phase II, which was approved in 2014, allows for video conferencing in all of the courts. Clearly, this has not yet occurred. The Supreme Court has given directions^{xii} that all High Courts can take measures required to ensure the robust functioning of the judicial system through the use of video conferencing technologies. As per Sh Devashish Bharuka, an Advocate-on-Record at the Supreme Court of India, different courts have thus been using different applications on a trial and error basis^{xiii}. The Supreme Court is using Vidyo, the Kerala High Court is using Zoom (not a safe platform), the Karnataka High Court seems to have developed its own in-house video conferencing facility, Delhi High Court is using WebEx, etc.

Recommendations

The litigant's interest takes precedence under Article 21 of the constitution. For citizens' satisfaction, the notion of simple access to justice in a timely way must be present. COVID-19 is neither the first nor the final pandemic. It is an excellent time for the Indian judiciary to break free from the shackles of the antiquated paper and records system and adopt systematic reforms in the justice system that benefit the plaintiff. The following actions are recommended:-

- (a) Gaps and shortcomings in implementation of phase I and II e-Courts project should be plugged without any delay. Implementation of phase III of the project should commence simultaneously.

(b) Not only is it necessary to employ technology today, but it must also be used consistently throughout the court. The emphasis should be on standardising the process in order to change it. It is extremely desired that the whole judiciary adopts information and communication technology-based programmes with a consistent appearance and feel and, most importantly, functioning.

(c) There is a distinction to be made between computerization and electronic courts. In Indian courts, we are passed the stage of computerization. However, e-Courts must consider the demands of litigants and implement technologies that can exactly satisfy those needs. It's the distinction between computer-centricity and litigant-centricity. The moment has come to choose the latter in order to attain the goal for which the voyage was started.

(d) The answer to solving the stalemate like COVID 19 may be a full-fledged deployment of information and communication technologies across the hierarchy of Indian courts in a consistent manner.

(d) One of the factors for Performance Appraisal of judges by higher judiciary should be based on utilization of information and communication technology for the benefit of citizens.

(e) The electronic storage and transfer of judicial data, which includes sensitive case information and litigant data, raises appropriate security and privacy issues. Cyber security plan needs to be formulated and implemented.

(f) A study by independent agency is considered necessary to check whether e-Courts project has ensured speedier, equitable and affordable justice to the litigants.

Despite these issues, the overloaded Indian judiciary requires the use of information and communication technologies to modernise service delivery and simplify judicial procedures. The e-Courts initiative, once completed, has the ability to radically alter justice delivery and improve the quality of access to justice available to everyone. As a result, officials must reform the e-Courts policy and the method in which it is implemented.

Note. This paper has been written with a view to complete the academic study task for Mission Karmayogi in APPPA Course and not with a view to criticize any organization.

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