

THE SUPREME COURT'S E-COURTS COMMITTEE'S DRAFT VISION FOR PHASE III
HAS THE POTENTIAL TO PROVE TRANSFORMATIVE

'E'asing access to justice

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Views are personal

THE COVID-19 PANDEMIC continues to necessitate relooking of traditional processes, and the preparation for increasing technology adaptation in service delivery. Citizen-centric services that have been disrupted or perhaps irreversibly altered have required a recalibration. Access to justice is a key citizen need that requires a futuristic approach to enhance efficiency, equity, and ease.

Technology will play a major part in ensuring these parameters see visible improvements. This is why the recently released draft vision document for Phase III by the Supreme Court of India's eCourts Committee ('Vision') is a progressive and transformational roadmap for how technology and justice can be intertwined and optimised. Chaired by Justice DY Chandrachud, the Vision is a positive step in bringing to the forefront the need for technology and technology-augmented processes to enhance justice delivery for those who need it the most.

The Vision adopts a holistic approach, with checks and balances, principles and values, and, above all, a willingness to make technology a key driver to solve several of the issues before us today. It essentially provides a platform from which policy and implementation blueprints can emerge, involving 360-degree stakeholder participation.

The nature of what 'digital' entails has been reimagined, i.e., the adoption of digital has been taken several notches above a mere replication of paper processes in the digital format. This allows innovation and downstream benefits of real-time big data to accrue to all who are involved with delivery of justice in India. This

context helps optimally approach how the Vision can transform the delivery of justice to each and every individual touched by it. This article focuses on some key aspects which would greatly enhance efficiency through technology, checks and balances in adoption and integration of technology.

A key NITI Aayog reform, and focused upon in the Vision, is Online Dispute Resolution (ODR). The NITI Aayog established a committee chaired by Justice (Retd) AK Sikri to formulate an action plan for ODR in India. Members of the committee include several secretaries of the government of India. The goal is to put in place a report and an action-plan that enables ODR in a sustainable framework now and adapts to become an option of first recourse for several categories of claims in a dynamic fashion. The report will be released shortly, and it has received the support of Justice Chandrachud as well as several other esteemed members of the judiciary, both current and former.

Other meaningful areas that the Vision looks to address include the simplifying of procedures to help eliminate or simplify repetitive and routine pre-digital era processes by

adopting digital technology to improve efficiency. Also addressed are the creation of a foundational digital infrastructure and capabilities to facilitate potentially infinite numbers of additional services/solutions. It looks towards putting in place a new institutional

and governance framework including by the establishing of what will eventually become a National Judicial Technology Council in the longer term.

The Vision categorises dispute mitigation, containment, and resolution, and maps them to technology inputs. Dispute mitigation, containment, and resolution together have been predicated on four key building blocks: a set of core values, a whole-of-system approach, a focus on adoption of technology by users, and a robust governance framework. Each of these components will require technological integration with different institutions. The key goals and strategy prioritise the creation of a core digital infrastructure that can enable the development of services for dispute containment and resolution by the judiciary.

The Vision lays emphasis on the

importance of guardrails and processes. There is, therefore, extensive focus on principles, be they of integrity, accountability, transparency, procurement, or interoperability. These lay an extremely strong foundation for an effective governance framework. The ideas propagated in the Vision can be enhanced with stakeholder participation and ownership. Adoption benefits of the vision are manifold, and impact each stakeholder group. Benefits for citizens include more optimal scheduling mechanisms, online digital filings, and different mediums of hearings, thereby increasing timely access to courts from anywhere. For lawyers, seamless filings, service of summons remotely, availability of identical digital case files as the court, better scheduling, digital hearings and e-filings are just some of the benefits.

Judges could benefit from greater data, information and decision-making support that aids management of case-flow. A unified digital platform will allow courts to track the progress of cases, from the court of original jurisdiction through appellate courts, and greater access to information and research tools. For the judicial and legal system, benefits could include better data visibility on types and classes of cases that create most caseloads and how they proceed; this will enable more targeted intervention and resource allocation by the judiciary.

Progressive and disruptive changes in justice delivery can alter the course of access to justice in an unprecedented way. The Vision has key components that can act as building blocks for ensuring ease of access to justice for the common man, augmented by efficiencies made possible by wide technology adoption.

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