

A Brief Study on the Technological Facets for Speedy Criminal Justice

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INTRODUCTION

Justice delivery system plays a fundamental role in promoting public interest and in the preservation of order in the society. There has been requirement of some form of dispute resolution since the beginning. Effective system for the resolution of disputes is essential for dispensing justice. The forum chosen for resolution of disputes by its subjects distinguishes the cultures of the societies. Justice is the foundation of any civilized society. Human inclination is always to grow from unorganised to organised, from anarchy to government. Therefore, there is evolution of various systems. Criminal Justice System is one such system, that evolved in every country across the continents. Once dispensation of justice is systematised, it is natural that the system holds out its own motto. The Criminal Justice System in India has also its own fundamentals. Among those ideals, one principle is said somewhat loudly is "Speedy Trial". These words are unwritten in the laws but they are undercurrent in the laws.

The lack of speed justice no doubt is causing a judicial overdue, which definitely needs to oiling up the administration of justice. Speedy justice is not about mere semblance and has to conduct both speedy and expeditious trail. Departure from the traditional modes of rendering the justice can be made by making a corking usage of information technology in the judiciary, these advancements in judiciary can reasonably put an end to the longest debate on the inefficiencies of judiciary. The usage of IT in the courts can enhance the case handling mechanisms and this automation can reduce the workload on the judiciary.

INTRODUCTION TO SPEEDY JUSTICE

The legal basis of the right is justified on the strength of the Magna Carta (1215) which provided that justice or right will neither be sold nor denied. The delay in the judicial administration will hamper this right of the individuals. Indian Constitution has initially guarantee the right to speedy trial. The right to speedy trail is a result of judicial activism enshrined by virtue of Article 21 of Indian Constitution. The right to speedy trial received the status of fundamental right due to the liberal judicial interpretation of article. In India there are various reasons such as "Illiteracy, destitution, economic and social bondages, cultural inhabitations and bureaucratic and political corruption seriously impaired the accessibility and assertiveness of the poorest of the poor resulting often in total denial of justice to them." according to Prof. N. R Madhava Menon.

Therefore, the system that is to be adopted in India has to be devised in such a manner that justice may be available easily, speedily and at less cost.

LEGAL CONFIGURATIONS OF SPEEDY JUSTICE

Speedy Justice comprises of peculiar characteristics and feature and through the liberal interpretation of Article 21 of Indian Constitution, the right to speedy justice has attained the status of fundamental right. Justice Bhagwati in *Hussainara Khatoon v. Home Secretary* stated that the right to speedy justice is not specially guaranteed by the fathers of Indian constitution, rather it was implicit in the broad sweep and the content of Article 21.

The courts have been consistently asserting and emphasizing that speedy trail means reasonably quick trail and the court have been very at its view that mere speed is not paramount, quick, fair and reasonable procedure has to be the prime consideration. The court

has discussed the ingredients of speedy trial which are as follows:

1. Investigation
2. Inquiry
3. Trial appeal
4. Revision
5. Retrial

The court has clearly stipulated that this right to speedy justice cannot be denied on the ground that no demand for the right was made.

The judiciary has kept affirming the views in favour of speedy trial and this was further affirmed in the case of Sheela Barse v Union of India the court was coming to hold that proceedings should be quashed of the right to speedy trial.

A delayed trial is not necessarily an unfair trial. The delay may be occasioned by the tactic or the conduct of the accused himself. The delay may have caused no prejudice whatsoever to the accused.

Addressing judicial delays through IT – a positive approach

Many significant insights on ways to enhance effectiveness and efficiency by reorganizing the courts and their processes. But organization science cannot conclusively determine how the judiciary's work of administering justice should be improved.

The ultimate standard in a legal context is a legal quality standard. The most generally accepted legal quality standards are laid down in both article 14 of the International Covenant on Civil and Political Rights (ICCPR) and article 6 of the European Convention on Human Rights (ECHR): citizens are entitled to a fair hearing of their case within a reasonable time by an independent, impartial tribunal. Improved administration of justice means better compliance with the ideals in article 14 ICCPR and article 6 ECHR: fair hearing and reasonable delay. An important aspect of fair hearing is equal treatment. Citizens may reasonably expect to be treated equally when the courts ensure consistency of their decisions.

DIGITALISATION OF JUDICIAL RECORDS

The National Informatics Centre of the Ministry of Information Technology started the process of computerization in the Supreme Court as a result many applications have been computerized which made positive impact on the litigants.

These features creates the following advantages:

1. Easy access of records to advocates by entering either petitioner or respondent name or the case number and the cause title
2. Litigants can easily find out if there case is coming up for hearing or not without bothering their advocate.
3. Judgments can be made easily available and accessible.
4. To provide transparency in the system
5. It helps in streamlining the activities relating to judicial administration.
6. It is cost effective and reliable.

The CIS (Case Information System) was successfully implemented through the e-courts project in its first phase, now in the Phase II, the Court Complexes are provisioned to be connected with Jails and Desktop based Video Conferencing to go beyond routine remands and production of under-trial prisoners. It will also be used for recording evidence in sensitive cases and gradually extended to cover as many types of cases as possible. With an emphasis on Capacity Building of Judicial Officers and Process Re-Engineering, the Phase-II provides for Judicial Knowledge Management System including Integrated Library Management System and use of Digital Libraries.

The National Judicial Data Grid (NJDG) will be further improvised to facilitate more qualitative information for Courts, Government and Public. he NJDG is working as National data warehouse for case data including the orders/judgments for Courts across the country with full coverage of District Courts.

Judiciary and ICT

No doubt, the Information & Communication Technology (ICT) can help us change this impression and Courts can become more efficient, fast, responsible and user friendly. Information & Communication Technology (ICT) is available for various uses in District Judiciary and allied areas and in many of the District Courts it is already in operation. The Primary benefit of implementing e-Courts is self-explanatory and e-Courts primarily aims at paperless working environment which makes it possible for safe record keeping for infinite number of years.

E kiosks have been installed in Tis Hazari Court-Complex on experimental basis where any litigant or lawyer can gather information about his/her case.

These Touch-screen systems are user-friendly and they have considerably reduced the work load of Facilitation Center.

Along with this digital signatures, implementation of bio-metric attendance for the staff and the e-filing in the courts. Facility of automatic SMS can be started whereby public can be intimated regarding status of the case, next date of hearing and purpose of hearing. Litigants and lawyers would be required to send their enquiries to a specific mobile number and they would be provided with status of the case immediately through SMS all these can be advantageous for reducing the burden on the judicial administration and can contribute to the speedy justice. Electronic courtroom presentations promise to make evidence much more meaningful.

Technological advantages:

The following are the technological advantages.

- Enabled greatly expanded access to legal information for both advocates and clients through internet and E-mail technologies.
- Expand access for clients by using telephones for screening, obtaining basic client information, referrals, and providing brief advice and services, and also by posting information on the Internet.
- Enabled better case management and data collection, along with automated templates for documents creation.
- Improved communication between lawyers and clients through new telephone technologies, cell phones and video conferencing.
- Facilitated staff and volunteer recruitment through E-mail and Internet provided new avenues for outreach to clients and public.
- Increased training opportunities for advocates and created a greater sense of community through E-mail and the Internet.

Technological courts: Impact on present working System:

The overall impact of establishment of E-Court will result in quick disposal of cases, ease of record maintenance, reliability of the evidence recorded and to bring more transparency in the functioning of the Courts. The same is reduce the paper work, made ease of record maintenance, allow the judges to see e-files for review, Can be used by judge, judicial fraternity to

review the case and use as a backup by concern persons who have some doubt about the authenticity of the documents and that different courts will be able to share the information online. New technology will allow courts to better serve the public by protecting digital information.

The key services to be achieved by this project are:-

1. Registration of cases can be done by auto generated unique case number.
2. Automated cause lists, court diaries can be generated.
3. Automated notices, summons and warrants can be generated through which much staff time can be used for other works.
4. Automated feedback reports can be generated for use of various levels.
5. Online case status can be viewed right from filing of case till it gets disposed.
6. Online Caveat, sureties, other documents matching can be done with in no time.
7. Daily case docket proceedings and daily orders can be viewed by the parties through online.
8. Litigants and lawyers would be provided with status of the case immediately through SMS to a specific mobile number.
9. One e-filing starts taking place and the soft copies of the pleadings are also made available to the courts.
10. On line query system for precedents, citations, codes, statutes etc, can be made available.
11. Doctors, investigating officers, forensic experts, other government officials, Remote parties can depose evidence through Video Conferencing facility. Time saved by police and law enforcement authorities could be utilized for other work in the interest of public.
12. The documents of high secrecy which cannot be moved out of the department but needs to be shared with other agencies can be directly presented and discussed upon.
13. The accused can be produced before the court through video conferencing mode. Multiple trials of an accused lodged in one jail is possible even the cases are pending in different states.
14. Cost and manpower in producing under-trials only for remand extension can be saved.
15. Playback live proceedings of the court for further audience of the court can be made available.

16. Court, Hospitals, FSL, Jail, investigation agencies can simultaneously share their presentations/documents and other information through online in a secured mode.
17. Copies of depositions, Judgments, decrees and other orders will be made available through web and same can be sent to the parties through e-mail.
18. Digital signature & end to end encryption options can be used for integrity of documents.

CONCLUSION

The justice system can gain consistency by striving for standardization and by publishing the result of that effort. However, the administration of justice resolves disputes by providing answers where the parties themselves cannot find them. It generates public trust by honoring arguments with new solutions. Proportional and adequate use of technology must support this fundamental openness, it may never reduce it. Judicial organizations need to pay serious attention to their information technology policies.

The information technology has paved its way and has made a firm inroad into the judicial field of the country. Article-14 of the Indian Constitution while guarantees the right of equality, Article-21 imposes a moratorium that the life and liberty of a citizen cannot be deprived of except otherwise than the just, fair and reasonable procedure established by law. In this context, how far the further development of artificial intelligence could be used to impose appropriate sentence in a criminal case, speedy disposal of cases by using proper software are all the area which needs consideration.

It needs to be reiterated that it is the commitment of every member of our judicial establishment to uphold the purity of justice and to ensure its timely delivery to the millions who knock at our doors. This should be seen as a sign of our commitment to rule of law and of our convictions on the ability of courts to give fair and impartial justice.