

eCommittee Newsletter

(For Internal Circulation Only)

June 2016



eCommittee Supreme Court of India

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Workshop of the Registrar Generals of High Courts and Law Secretaries of States on Process Re-engineering (PR) held on 11th June 2016 at Vigyan Bhawan New Delhi under the chairmanship of Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India and Incharge of E-Committee

Secretary, Department of Justice, in her inaugural speech highlighted the need to remove redundant procedures and simplify the Court processes and to realize the benefits of computerization of Courts. She emphasized the need to converge best practices of the PR exercise of High Courts into common guidelines, and the need to undertake a holistic review of court and case management including standardization and examination of the current rules of procedures of each High Court. She highlighted the problem of lack of scientific collection, collation and analysis of judicial data and stressed upon the need to evolve uniform standards for data collection. There is need for introduction of a case-flow management system to address judicial delays. The use of ICT can go a long way in creating litigant friendly systems by reducing paper work and developing better infrastructure mechanisms. She emphasized that the successful implementation of best of the judicial PR potentialities will be the real parameter of success of computerization of courts.

Hon'ble Mr. Justice Madan B. Lokur, in his keynote address noted that the need for conducting the workshop was felt in the absence of significant progress made in the area of PR even though the eCommittee of the Supreme Court (SC) has been pursuing the matter since last three years. Highlighting the need for every State to constitute Law Commission, Hon'ble Mr. Justice Madan B. Lokur requested the Law Secretaries and Registrar Generals present at the workshop to approach their respective Law Ministers and Chief Justices for constitution of State Law Commissions. He urged the participants to identify the rules that have become redundant and to suggest modifications keeping in mind the aspiration of the litigants.

Hon'ble Mr. Justice Madan B. Lokur requested the participants to undertake a group exercise in which participants were directed to form 6 groups and each group was assigned a list of topics. The Registrar General of each High Court was asked to 'choose 2 important' and 2 'simple topics' on court processes and procedures; examine the existing rules and processes and suggest suitable revisions. He mentioned that Process Re-engineering reports from 5 High Courts have been shared with all the High Courts. He suggested that the High Courts could refer to these reports while examining their rules and called upon all the High Courts to submit their report by 31st July 2016. He clarified that the purpose of the

exercise was to come up with model rules of Court procedures (Civil as well as Criminal), which would be circulated to all the High Courts to make changes in their existing Rules and have them notified. He said that the above exercise was necessary for the future and in this regard called upon the District Courts to migrate their data to CIS 2.0. District Courts belongs to 3 High Courts i.e. Gujarat, Madhya Pradesh and Bombay have migrated so far.

He also observed that since PR is a continuous exercise, it should be more appropriate to engage State Law Commissions for this exercise.

Joint Secretary (NM) informed the participants that enforcement of contract is one of the parameters under ease of doing business and India has improved its ranking since 2014. The Department of Justice has formulated 10 parameters on the basis of which each of the States should be ranked for enforcement of contracts. This includes, infrastructure, filing up of vacancies, introduction of electronic case management systems, e-filing, e-payment of Court fees and reduction of pendency of cases. He further stated that the State Governments will be encouraged to improve their ranking in the ease of doing business index by enhanced investment into the judiciary. Hon'ble Mr. Justice Madan B. Lokur observed that while we talk about ease of doing business, we also need to look at ease of litigation for litigants.

Status of Process Re-Engineering from Registrar Generals of all the 24 High Courts was noted.

Hon'ble Mr. Justice Madan B. Lokur underlined the need for a **Centralized Filing System (CFS)** as lack of a CFS may create complications in maintaining statistics and confusion in terms of diary number, filing number etc.

He stressed that computerization of FIR is being considered as a matter of priority under the CCTNS Project and has been implemented in some parts of Karnataka and will be implemented all over the country. He said that there are some advantages of this system as there will be no delay in filing of FIRs or transmitting it to the Magistrate. Section 158 (6) of the Motor Vehicles Act also says that in accident cases FIR should be automatically transferred to the Magistrate as victim may not be able to come to the Court but as a matter of law he is entitled to compensation. Information from police, forensic laboratory, prisons, Courts etc. are to be made available in one portal and data will be readily available and can be automatically pulled from the police's website.

Hon'ble Mr. Justice Madan B. Lokur also emphasized the need to explore payment Gateways for collecting Court Fees as that would ease the litigants burden to buy a Court Stamp. Regarding the requirement of manpower for Phase II of the eCourts Project,

he clarified that the High Courts can recruit manpower from empanelled agencies and the project could pay them for about 2 to 3 years. The experts could help develop periphery modules like in Madhya Pradesh and develop local software based on the local requirements of the State. He suggested that the High Court could look into Rules for SMS, E-mail systems etc.

Hon'ble Mr. Justice Madan B. Lokur made an interesting observation based on the information available on etaal.gov.in, which provides an analysis of number of the electronic transactions made category-wise, apparently it showed that from 1st January 2016 to 11th June 2016, the highest number of transactions were done in Agriculture (33.25 Crores) followed by the Judiciary (16.10 Crores). Other public services like railways, citizen service centres and passports were positioned below Judiciary. This shows the awareness about such systems is tremendous and efforts should be made to improve upon it.

Hon'ble Mr. Justice Madan B. Lokur said that with computerization, cases against women and senior citizens which were not in manual registers can be recorded. Punjab has **eDiary** which is very useful and can be used as an example. **Mr. Ashok T. Ukrani**, Member (Judicial) of the eCommittee stated that **calendaring mode** is available in CIS 2.0 which can show the case load on a particular day and will help in proper allocation of the

cases as per the case load. Hon'ble Mr. Justice Madan B. Lokur added that a software for digitization is already developed by Supreme Court which can be used in District Courts and High Courts also. Once this is done there will be no need to call for paper file.

The discussions concluded with a brief summing up by **Shri A.K. Gulati, Joint Secretary (NMD), Department of Justice**, who highlighted the learnings from the day's discussions as under:-

1. Re-engineering is a continuous exercise and an institutional mechanism needs to be put in place, State Law Commissions, will be in a better position to do it on a regular basis.
2. Rules have not kept pace with the law. For instance summons can be sent through electronic means. The law provides for it, but the rules in some High Courts still don't provide for it.
3. The recent Commercial Courts Act, has provisions for case management hearing which can be made applicable in other cases as well through appropriate rules. Discussions make it clear that RGs are keen to make such hearings applicable to other civil matters as well.

He drew attention of the participants to the work done by National Court Management System committee of the Supreme Court on court and case management. He was of the view that necessary guidance can be taken from the

baseline reports on Case Management System, national Framework for Court Excellence, Court Development Planning System and Human Resource Development strategy which are available on the website of the Supreme Court of India.

Status of Memorandum of Understanding as on 30th June 2016

Following Memorandum of Understanding between The Government of India and The State Government and The High Court concerned were executed in the month of June, 2016:

1. Madhya Pradesh
