Use of Information and Communication Technology in Governance - Experiment in Maharashtra Judiciary

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1. Introduction

Computerisation of Courts in Maharashtra is an example of a successful e-governance project reaping rich dividends. The project touches 365 Taluka and District Courts, utilises 450 servers, 4000 client, machines across the State, and is implemented by 8000 Court employees, working without any additional remuneration as system administrators or data entry operators. Data of a staggering 44 lakh cases fed into the system has been made accessible to public on the website "court.mah.nic.in." and touch screen kiosks installed in most of the District Courts. This website has average 5 Lakh hits per month. This achievement has cost the State less than Rs. 28 Crores, including cost of hardware networking, electrification, site preparation, even furniture, and a very small negligible fraction spent on development of application software. The browser based application software developed on LAMP (Linux Apache MySQL PHP) architecture on open source by a team led by Shri Ashish Shiradonkar, Principal System Analyst at NIC, Pune involves zero licensing costs. Spectacular success of the project led several other States to seek to have application software installed and project implemented in Courts in those States.

This is what went into the implementation of this project.

2. Why?

Growing frustration of common man about the efficiency of the system has been a cause for concern for the administration. The litigants are generally clueless as to why their cases languish for years together. They find it difficult to understand why Courts require their presence on several dates without any business being transacted on those dates. A common man was always bewildered by being sent back after wasting a day in the Court with the case making no progress. This led to weariness even on the part of responsible officers in attending courts when called, which led to further delays. A lot of valuable judicial time is also wasted in purposeless adjournments of a large number of cases listed in any Court on any day. Uncertainty about a case listed making progress led to listing more cases, resulting in loss of more time in mere adjournments.

While the administration does feel the need to have more courts, it felt that it would be irresponsible to wait till this long term solution was worked out. A study of pendency and disposal also showed that courts with near ideal pendency did not necessarily produce maximum disposal. Increasing judge strength at any judicial station did not necessarily increase disposal or reduce pendency in the same proportion. However, apart from this, the Judicial Administration was also clueless as to what were the actual bottlenecks which obstructed the course of justice and guesswork did not provide accurate information to remedy the causes. It was therefore, felt that an endeavour to optimally use the resources available had to be urgently made. Computerisation, as a tool of office automation was obviously expected to inject speed in the system. But

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more importantly, it was expected to provide information which would enable the administration to deploy human and other resources to derive maximum output.

It was realised that the system depended on rudimentary markers to evaluate itself and, in the absence of proper bench marking, appraisal of performance of the system was skewed. Difficulties for the stakeholders in peeping into the working of system led to unwarranted suspicions, which had to be dispelled by opening up entire information not only to stakeholders, but also for scrutiny by researchers. Therefore, the principal objective in achieving computerisation was to make the system more transparent while at the same time reducing the burden on employees of the Court so that their efficiency could be increased in order to inject speed in the system. It was felt that evolution of a Litigant Centric System while computerising Courts would demystify the working of Courts and ensure transparency. With these goals in view, the High Court of Bombay embarked upon this massive project.

3. The Beginning
Ordinarily computerisation in any organisation begins with a system study, determination of objectives, review of available resources followed by planning and implementation of the project. This Project was kicked off without a regular system study, principally because system study would have consumed time and experience showed that system needs go on getting redefined during implementation of such a project. An old text based and fairly well developed district court information system, already working in almost all District Courts in Maharashtra, provided the starting point for evolution of the new GUI based application.

4. Evolution
While cost was an important consideration in opting for open source, the principal reason for choosing open source was to avoid dependence. It was found that proprietary systems came with a promise of support which was rarely fulfilled. Rather than pay for assistance which is never provided, it was felt that risk of evolving a system without any outside support was worth taking. Apart from savings in terms of money, resort to open source ensures total freedom. Since not a single proprietary software is used on servers or client machines, scalability, flexibility, customisability is possible without any restraints. The spirit of self-reliance drove not only the team evolving the application, but also the teams of District System Administrators (two clerks from every District Court are trained to work as District System Administrators) and other at various places who are actually successfully running the system for the last three years. District System Administrators takes care of network management, logistic management, database administration and data transfer. They acquired necessarily skills on their own trained themselves, and a few even cleared Red Hat Certified Engineer's tests, mastering open source technology. It is this spirit which ensures that undaunted by the any obstacle the system works even in remote Naxalite infested taluks in Gadchiroli and Chandrapur districts as efficiently as in Pune, the I.T. hub.

A modular approach was adopted in evolution and implementation, which were simultaneously executed. Rather than have all aspects of work in Courts being computerised in one go, one aspect was evolved and implemented at a time so that the employees did not feel the burden. Upon consolidation of the first step, the next step was taken. The Application Software was constantly revised on the basis of redefined needs. For this purpose, apart from feedback from all the users, a few select core officials were required to constantly examine relevant aspects, test the software and suggest modifications. The suggestions were vetted by a committee in the High Court and then implemented in revised versions released every 6 months. This ensured that there was a continuous evolution and simultaneous build up of data base.

5. Implementation
Change is always difficult to implement. Additional manpower is invariably required for creating a data base. Experts in I.T. Sector can venture a guess as to the quantum of additional manpower that would have

been required for creating a data base of this size. Yet this was done without shelling out as extra rupee of tax payers' money. Option of outsourcing for creating the data base was ruled out due to financial and other constraints. Unlike ledgers which are kept in banks the data to be fed in order to create data base, was not in one place. The data had to be gathered from registers as well as records of cases themselves which only experienced Court staff, rather the staff actually handling those cases, could have located. Outsourcing would have necessitated first, a training to data entry operators to locate the relevant bits of information from the files, then, to depend upon their ability to enter the data faultlessly, and lastly to wait for a mistake in data entry to surface years afterwards, with outsourcing agency having already vanished after receiving the money. Outsourcing was therefore ruled out. Engaging Court employees in data entry ensured accuracy. Therefore, they had to be motivated to undertake this task, which was achieved by ensuring that it eventually reduced the burden of their work. No formal training was given to the Data entry operators on use of computers. They were trained as they worked by the District System Administrators of respective districts. Since entire training on use of computers was given by their own colleagues, who had taken up challenge of implementation, whole staff got motivated and got trained in short time. After 6 months, the staff was required to enter only data in respect of new cases being filed and the daily proceedings of old cases. Its entire burden to prepare cause lists, fill up various Registers and prepare various statistical returns required to be sent to the High Court, was eliminated.

Rural Maharashtra has power cuts for over 6 hours a day in many areas. At many places, during the Court hours, there is no power supply to the Courts. Yet, the benefits from the system makes the Court employees complete the data entry whenever power is available to and upload the data to the central server as and when Internet link is available. They take this trouble though they do not have any material incentives in form of higher salaries, cash rewards etc. because they have realised that the system has reduced their burden.

6. Results

Results of this project are spectacular. The litigants, who did not at all know as to how their case was progressing, have access to the entire case history, not only on the net but also on the kiosks installed in various District Courts. This enables them to know whether their case is receiving due attention from the Court. Misgivings about efficiency of the system and resultant level of dissatisfaction gets reduced and litigants come to realise the real reasons for cases to lag behind.

Litigants, lawyers and researchers can access on the website Judgments and orders passed without begging before any one. Judgments and orders which are stored in portable document format (pdf) can be searched easily by key words. This value addition comes to the common man free as compared to high costs of proprietary judgment data bases. Judgments from various talukas and District Courts of Maharashtra are now accessible on the web site. Some judgments which are delivered in Marathi, the local language of Maharashtra are also available. Currently more than 1.5 Lakh judgements are available on the server and are regularly growing.

"The Application Software provides for a unique 15 digit "Case Identification Number." This number was devised with the object of tracking a proceeding through hierarchy of the Courts. Once this case identification number is allotted, the litigant would be able to track his case even after disposal in the Court where it was instituted, through its journey in the hierarchy of Court. A litigant is really not bothered as to whether his case is called a civil suit or civil appeal or a second appeal or whether different numbers are assigned to it at the different stages of its life. He is concerned with finding out as to what has happened and that he could do with the help of this unique case identification number fashioned on the lines of PNR of Rail-ways, to facilitate enquiry over a telephone using Interactive Voice Response System." This low cost solution of IVRS is developed on complete open source (PERL) and is simple modem based. It is

working in several District Courts of Maharashtra.

Lawyers as a major stakeholders are benefited since they come to know of all the cases that they have in various Courts without being required to maintain diary. This enables them to monitor and manage their work in their offices efficiently. For institutional litigants like Industrial Development Corporations etc. facility has been provided to have their entire "portfolio" managed centrally. Thus, a Director in-charge of litigation, in say, an Industrial Development Corporation, would be able to know day to day progress in all cases of the Corporation in whichever Court in the State in his portfolio, without being required to make a search from the entire data base and without waiting for communication from Lawyers. This facility would ensure a closer watch over the progress of cases by bulk litigants like institutions, which would, in turn, inject speed in disposal of cases, and help in reducing the average time for disposal of cases by simply proper monitoring.

The Government of Maharashtra has launched a scheme of "Litigation Free Village". The data base was extremely useful for police and revenue authorities in the State to target the cases, which were pending in several Courts. But for the availability of this data base, it would have been impossible for the authorities to find out how many cases of which parties are pending in which Courts. A door to door survey would have been as time consuming and as costly as a census. Cases from over 42,000 villages can be accessed from the web site. This scheme of making villages litigation free has yielded rich dividends and thousands of cases are settled through this scheme by the initiatives of the authorities of the State and local citizens, thus reducing the burden on judicial system.

7. What Next ?

Most disappointing aspect of our Judicial System is that when a litigant approaches a Court, he never knows as to when he would get the result. It is indeed difficult for a manually managed system to be able to assure the litigants as to when he should expect results, but the absence of any time limit for disposal leaves the society with no measure of examining the efficiency of the system. The system does not have any bench marking, or fixed norms, or standards about the time, by which particular stages in a lis should be crossed or the quantum of the time, which they ought to take. A module in the application software, which is in advanced stage of development, aims to evolve a schedule for progress of every case, which the litigant would be entitled to know. This would enable him to monitor the progress of his case and to make a grievance if the progress is not as per the schedule. This will also enable the Judicial Officers, Court Officers and the Judicial Administration to monitor their own work.

Police is a major partner in Administration of Justice. In fact more than half of the total cases pending are police cases. Police are statutorily required to report every offence registered, every arrest and every seizure made and submit a final report in respect of every investigation to the Criminal Courts. The Police have also started computerisation of their work. Integration between police data base and the Court data base would substantially eliminate the paper work in both these wings and would inject speed in the system by eliminating duplication in data entry.

The system aims at eventually enabling electronic filing of cases, pleadings, and virtually everything that is currently filed in Courts in a paper format. This would ensure a complete digitization of record, facilitate quick search for any document, and open up space worth thousands of crores in the central areas of various cities and towns for being used for adjudicatory work by eliminating vast record rooms. The costs of the space that would become available, would itself justify 10 times the amount that may have to be spent on digitisation.

It is proposed to integrate the activities in various tiers of Courts. While email is used for communication

between various tiers of Courts, transmission of record is still done manually. Now, when most of the judgments and orders are stored in electronic format, there is no reason why at least these should not be transmitted electronically.

Computerisation aims at ushering a concept of 24x7 working. Physically, the Court or its office may have fixed working hours but since computer system works round the clock, even if the Court has closed, it should be possible for the litigants and Lawyers to access the system in order to make compliances, which otherwise are done during the Court hours. Thus, if a lawyer is required to file a list of witnesses, or a litigant is required to pay process fees, they could do so even outside the regular court hours electronically. Rather than hassle over confusion of dates before the Judge in the Court, consuming precious judicial time, both the parties and their lawyers would be able to see the Court calendar on the web site, consider each others' engagements, and come up with an agreed schedule or at least reduce the area of disagreement in fixing a schedule.

The Case Information System aims at providing a comprehensive management tool to the Judicial Administration to exploit available human resources fully. For this purpose, a personnel resource information system is integrated with the case information system. Performance appraisal, which is now based on only number of cases disposed of, could change. All other dimensions of the work of the Judicial Officer would be open to scrutiny for the Administration, to ascertain training needs, identify skills and match those with localised needs. Availability of the entire information on the website is expected to enable various stakeholders in various jurisdiction to adopt best practise and inject speed in the system. And this will mark a new beginning, the beginning of an effort and a resolve to takeoff, rather than rattle in an aircraft on a weather beaten cart track.

Once this phase is over, it is aimed to carry out a massive exercise of business process re-engineering to cut down all redundancies in the system. Standardisation of various stages in the proceedings in various Courts in different jurisdictions may have to be undertaken.