

about three months, statements of institution and disposal were called for every week from the Special Metropolitan Magistrates. The analysis and evaluation of information received was discussed with them during interactive sessions to help in sensitizing and guiding them to improve their rate of disposal of cases. The accumulated knowledge derived from the data received will be utilized for the preparation of a strategic Action Plan, in the near future.

"Barely two or three years ago no Court had gone online. But now, websites have become fairly commonplace."

One of the ideas planned for implementation in the near future is to use computers for online filing of complaints by the police and online payment of fines by traffic offenders. The first will, in due course, help the Magistrates to effectively deal with frequent offenders and will also help the police in keeping a watchful eye on them. The second, that is, online payment of fines, will help reduce congestion in the traffic Courts and facilitate disposal of cases, since almost all such offenders plead guilty rather than go through the rigours of a trial.

As of now, a detailed evaluation of the experiment conducted, its success in real terms and its impact has not yet been completed - indeed, the experiment itself is not yet over and, therefore, not much more can be said about it.

Among the lessons learnt (another aspect of knowledge management) from these experiments may be briefly tabulated.

The general problem of arrears has been identified and to state it, is to state the obvious. However, there are different aspects and facets to this problem. These need to be identified. Each Court will have its own specific problems and it will not be possible or advisable to generalize.

An assessment and evaluation of the problem, its magnitude and deleterious effect is essential before it can be tackled with the overall objective of reducing arrears.

An inventory of the resources available needs to be made. All

courts may not be able to avail of the latest in technology, partly because of the expense involved and partly because it may not be otherwise practicable. Whatever resources are available need to be effectively harnessed to obtain the optimum results. This is where Knowledge Management plays a crucial role.

Change management, including a constant monitoring of information and other inputs, along with a supportive leadership, can go a long way in solving the problems.

V. EMERGING TRENDS

What are the emerging trends in technology and how are they helping the legal system manage the vast storehouse of information that is generated every day? Managing the dissemination of information is perhaps more important than generating it.

Barely two or three years ago no Court had gone online. But now, websites have become fairly commonplace. The Supreme Court was among the first to go online. This gave an impetus to other Courts, including the Delhi High Court, which launched its website on August 31, 2001. This website has been gradually built up over the years. Daily orders passed by the Courts are now freely available on the Internet. The status of pending cases was incorporated in the website and that is also easily accessible to lawyers and litigants. Mention has already been made of information pertaining to certified copies. One of the most utilitarian windows on many of the websites of a High Court is the daily cause list of cases. Advocates require the daily cause list to plan out their schedule for the day. Unfortunately, due to logistical problems, the case list cannot be supplied to all lawyers. This is where the website comes in handy - it manages the information; access is easy, free and immediate. The Delhi High Court has gone a step further. Making use of the computer system, an advance cause list is generated so that a lawyer or litigant can confirm a week in advance where exactly a case is listed and its item number. Unnecessary adjournments, which are a cause of delay,¹⁵ are minimized (if not avoided) by the publication of the list a week in advance.

Technology is fast catching up with the legal profession and is being effectively utilized in disparate areas. Video conferencing has been in use in Andhra Pradesh for quite some time now. It is also being used in some parts of Bihar, and is likely to be soon introduced in Gujrat.¹⁶ Video conferencing

for facilitating the judicial process is slowly starting to pick up in India. It was first resorted to in a copyright case trial in Mysore, where a movie producer in Hollywood was cross examined on April 8, 2003 in the Principal District and Sessions Court for about three hours.¹⁷ This was almost immediately after the Supreme Court gave its approval to recording of evidence by video conferencing as satisfying the object of providing that evidence be recorded in the presence of the accused in a criminal trial.¹⁸ Apart from these instances, the use of video conferencing has so far been somewhat limited - it is normally being used for the routine remand of an under-trial prisoner. This has been found to save a huge amount of time for the police, which are spared the need to transport a prisoner from the jail to Court every fortnight. This also brings about a huge financial saving. In so far as Delhi is concerned, video conferencing between the jail and Court is so economical that, on a rough estimate, the cost of equipment and other miscellaneous expenses in this regard would be met within about eight months. However, certain statutory formalities are required to be completed before the system can be put to use.

The use of digital signatures is another virgin area so far as the legal profession is concerned. Even though the Chief Justice of the Delhi High Court was given a certificate on April 22, 2003, digital signatures have not yet made their debut in Court procedures. The use of digital signatures will effectively revolutionize the supply of certified copies of documents, including court orders. Not only will authenticated documents be made available immediately, but they will also be available for a pittance compared to what is presently being charged. Digital signatures can also be used to solve a human rights problem - that of not keeping a person in jail longer than is absolutely necessary. When a Court grants bail to a prisoner, the text of the bail order can be digitally signed and immediately dispatched to the jail authorities in any district of the State for compliance. Delays in preparing the bail order, late sittings for the Court staff and other transmission delays can easily be avoided.

A reference to the burgeoning case law has already been made above. How is all this information being managed? A few enterprising organizations have used Knowledge Management techniques to bring out CDs that make available case law, with various search options, at an affordable price.

Most notable among them are the publishers Eastern Book Company who are the originators of SCC Case Finder as well as the full-text version of Supreme Court cases and Spectrum Business Support who prepare and distribute the Grand Jurix CDs. All India Reporter, which has a long history of reporting decisions rendered by Courts in India, is also distributing its CDs. Naturally, all these organizations also have their own website. Manupatra.com is venturing to enter the CD market any day. It proposes to distribute CDs containing decisions not only of the Supreme Court, but also of all the High Courts. Of course, each supplier of CDs has its unique style of managing knowledge and one cannot be compared with the other, but in one way or another, each one of them provides a useful Knowledge Management tool to lawyers and legal researchers.

VI. FUNCTIONAL FUTURE POSSIBILITIES

Technology can, of course, be put to good use in judicial administration and Court management. Experience has shown that management of knowledge is equally important and beneficial. We have before us the result of experiments carried out for streamlining the judicial process with the intention of reducing arrears. Many more such experiments are possible and indeed, they are perhaps being carried out somewhere in the country. Naturally, all these experiments will add to one's knowledge and enable us to look at the same problem from different angles. A large amount of inputs are being received from time to time. These need sifting out to harness knowledge and make it more meaningful and practical. How this can be achieved for making the judicial system more responsive to the needs of lawyers and litigants and more effective in the effort to eliminate arrears will also depend on local requirements. In any event, for the future, obtaining accurate information is vital. Hit and trial methods based on inadequate information have obviously not succeeded.

Experience shows that there are several areas that need attention but are neglected because they have no direct or visible impact on the reduction of arrears. Within the Court Registry, for example, several problems need to be addressed. Software is already available for making an inventory of goods and stores, a simple task for a computer, but one which is still attended to manually. Payrolls are, by and large com-

puterized everywhere; is it not possible to use computer technology and available software for other purposes as well, such as loans, provident fund, increments, leave, etc.? The career profile of any employee can also be placed along with a dashboard of information that he or the Registry may need.

Similarly, the filing counter of a Court can be made more efficient with the use of technology. Automatic registration and numbering of cases is a simple enough task that does not require much expertise or knowledge of computers. Most courts still use bulky registers for maintaining records - these can easily be dispensed with. In fact, such an effort is underway in the District Courts of Delhi. Categorization of cases, which has worked wonders in reducing arrears in the Supreme Court and the Central Administrative Tribunal (Principal Bench), is another area that can be explored and exploited through the use of technology. Categorization is particularly useful in cases pertaining to land acquisition. The

requirement of a simple computer friendly filing pro forma can reduce the burden on the Registry, giving it time to take care of other issues. Automatic generation of notices through a computer can save a huge amount of time and manual effort. There are a large number of forms prescribed in the Criminal Procedure Code and the Code of Civil Procedure. The District Courts in Delhi has fed most of them in the computer and hopefully, in the near future, notices will be generated through its computer terminals.

A Court Management Committee, such as one set up in Delhi can address itself to various issues relating to judicial administration; it can analyze the strengths and weaknesses of the system and come up with definitive solutions. The task is not impossible - all it needs is good management, both physical management as well as knowledge management. It is said that its not what you know but how you manage it. ■

Endnotes

- ◆ Paper presented at Indian Institute of Information Technology, Allahabad on 22nd September, 2003.
- 1. *Hanson v. Errington* 1627 Popham 202, cited in *Devender Pal Singh v. State of NCT of Delhi* (2002) 5 SCC 234.
- 2. Bibek Debroy, "In the Dock—Absurdities of Indian Law."
- 3. See, *R.D. Upadhyay v. State of AP* (2001) 1 SCC 437 where a lunatic under-trial prisoner was found languishing in jail for over 30 years.
- 4. *Charanjeet Singh v. State of NCT of Delhi* Cr1. W. No. 729 of 2002 decided on 31st July 2003.
- 5. 14th Report- Reforms of Judicial Administration, 27th Report, 54th Report, 77th Report—Delay and Arrears in Trial Courts, 79th Report - Delay and Arrears in High Courts and other Appellate Courts, 120th Report—Manpower Planning in Judiciary and 124th Report - The High Court Arrears - A Fresh Look.
- 6. Rejuvenating Judicial System through E-Governance & Attitudinal Change by Dr. Justice G.C. Bharuka, pp. 60-61.
- 7. (2002) 4 SCC 578.
- 8. Volume I paragraph 7.
- 9. Isaac Newton in a letter to Robert Hooke, 5th February 1675.
- 10. Justice Malimath Committee, Volume I pp. 1 and 3.
- 11. www.delhihighcourt.nic.in
- 12. Information received from the office of the District Judge, Delhi.
- 13. (1997) 4 SCC 287.
- 14. Volume I paragraphs 7.10.1 to 7.10.4.
- 15. Satish Chandra Committee, Chapter II.
- 16. *Hindustan Times*, 10th September 2003.
- 17. *The Mysore Mail and the New Indian Express*, 8th April 2003.
- 18. *State of Maharashtra v. Dr. Praful B. Desai* (2003) 4 SCC 601.

The 2nd International Conference on the Training of the Judiciary: Judicial Education in a World of Challenge and Change

Ottawa, Ontario (Canada)

October 31 - November 5, 2004

www.nji.ca/internationalforum

Overview

Judicial education is one means to strengthen justice systems and to reinforce the rule of law. This international conference will bring together judges and other leaders in judicial education from around the world to discuss and exchange perspectives and experiences on a wide range of issues touching on the design and delivery of judicial education and the effective performance of judicial educational organizations.

This conference is organized and co-hosted by the **International Organization for Judicial Training** and the **National Judicial Institute** with assistance and input of the following organizations:

CAPCJ	Canadian Association of Provincial Court Judges
CEJA	Justice Studies Center of the Americas/ Centro de Estudios de Justicia de las Américas
CIAJ	The Canadian Institute for the Administration of Justice
CJEI	Commonwealth Judicial Education Institute
FJC	Federal Judicial Center (USA)
ICJ	International Commission of Jurists
JEDNET	The Judicial Educators Network (National Judicial Institute)
NASJA	National Association of State Judicial Educators (USA)
PHILJA	Philippine Judicial Academy
JSB	Judicial Studies Board (England and Northern Ireland)
ENMF	L'école Nationale de la Magistrature (France)
CMJA	Commonwealth Magistrates and Judges Association

Among the **plenaries, workshops and parallel sessions** will be the following:

- Judicial Education and the Judicial Role: A comparative perspective
- Strengthening justice systems and the rule of law through education of the judiciary
- The Development and Delivery of Effective Judicial Education: establishing and maintaining a strong judicial training center, assessing learning needs, career-long learning, mentoring and learning plans, train the trainers, assessment and evaluation, and education as a support to justice system reform.
- Using Technology: how to use technology with limited resources, distance-learning, bench books, video, web-streaming and self-learning through technology
- The Craft of Judging: teaching adult learners and developing effective skills-based courses: e.g. judgment writing, credibility and fact finding and judicial dispute resolution
- Educating Court-Related Justice System Professionals
- Judicial Independence and Judicial Ethics
- Social context education: how to design, teach, integrate and sustain it

For more information about the Registration form, Hotel, Travel, Tours, the "Knowledge Fair", Agenda ...and for **weekly updates**, please go to the following site:

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The National Judicial Institute
at 1-613-237-1118 X 235

Optional Tours Available:

- 3 day trip to Toronto, Niagara Falls (Nov. 6-8)
or
- 3 day trip to New York City



CALENDAR OF EVENTS

JUNE

CONFERENCE	WHERE & WHEN	CONTACT
Magistrates' Intensive	June 3 - 5, 2004 Melbourne, Australia	Judicial College of Victoria Website: www.judicialcollege.vic.edu.au Tel: (03) 9603 9200
2004 Phase II Seminar: "Leadership and Management in the Courts and Justice Environment"	June 7 - 25, 2004 Williamsburg, Virginia, USA	National Center for State Courts Website: www.ncsc.dni.us/icm Phone (800) 616-6160, Fax (757) 564-2108, Email: icm@ncsc.dni.us
Presenting Court Data and Information	June 9, 2004 Webinar	National Center for State Courts Website: www.ncsc.dni.us/icm
7th AJA Tribunals Conference: "Tribunals: Improving Access to Justice"	June 10 - 11, 2004 Brisbane, Australia	Australian Institute of Judicial Administration Website: www.ajja.org.au Tel: (03) 9600 1311, Fax: (03) 9606 0366
Enhancing Judicial Skills in Cases of Violence and Abuse in Intimate Relationships	June 24 - 25, 2004 Whitehorse, Yukon, Canada	National Judicial Institute Website: www.nji.ca

JULY

CONFERENCE	WHERE & WHEN	CONTACT
Judgement Writing Seminar	July 6 - 9, 2004 Montreal, Quebec, Canada	Canadian Institute for the Administration of Justice Website: www.ciaj-icaj.ca Tel: (514) 343-6157, Fax: (514) 343-6296 Email : ciaj@ciaj-icaj.ca
Hague Convention on the Civil Aspects of International Child Abduction	July 9 - 10, 2004 La Malbaie, Quebec, Canada	National Judicial Institute Website: www.nji.ca Tel: (613) 237-1118 or Fax: (613) 237-6155
2004 NACM Annual Conference: "Balancing Justice and Efficiency in Hard Times"	July 11 - 15, 2004 Grapevine (Dallas), Texas, USA	National Association for Court Management Website: www.nacmnet.org Tel: (800) 616-6165 (757) 259-1841 Fax: (757) 259-1520
Magistrates Professional Development Conference	July 29 - 30, 2004 Melbourne, Australia	Magistrates' Court of Victoria Judicial College of Victoria Website: www.judicialcollege.vic.edu.au Tel: (03) 9603 9200 Email: info@judicialcollege.vic.edu.au

AUGUST

CONFERENCE	WHERE & WHEN	CONTACT
NASJE Annual Conference	August 9 - 12, 2004 Baltimore, Maryland, USA	National Association of State Judicial Educators Website: nasje.unm.edu
Judgment Writing Workshop	August 17 - 20, 2004 Melbourne, Australia	Judicial College of Victoria Website: www.judicialcollege.vic.edu.au Tel: (03) 9603 9200 Email: info@judicialcollege.vic.edu.au

FALL

CONFERENCE	WHERE & WHEN	CONTACT
Legislative Drafting in Perspective	September 9 - 10, 2004 Ottawa, Ontario, Canada	Canadian Institute for the Administration of Justice Website: www.ciaj-icaj.ca Tel: (514) 343-6157 Fax: (514) 343-6296
Aspects of Mental Health	10 September 2004 Australia	Judicial College of Victoria (see above)
22nd AIJA Annual Conference	September 17-19, 2004 Sydney, Australia	Australian Institute of Judicial Administration (See June listing)
Justice At The Grass Roots Local Courts And The Delivery Of Justice	September 20-23, 2004 St. Helier, Jersey, Channel Islands	Judiciary of Jersey Website: jersey@cmja.org
Seminar for New Federally Appointed Judges - Part I	Sept. 26 - Oct. 1, 2004 Kananaskis, Alberta, Canada	Canadian Institute for the Administration of Justice (see above)
Aboriginal Cultural Awareness	October 22 - 24, 2004	Judicial College of Victoria (see above)
Criminal Jury Trials Seminar	October 27-29, 2004 Toronto, Ontario, Canada	National Judicial Institute Website: www.nji.ca
The 2nd International Conference on the Training of the Judiciary: "Judicial Education in a World of Challenge and Change"	31 Oct. - 3 Nov. 2004 Ottawa, Ontario, Canada	Canadian National Judicial Institutes Website: www.nji.ca/internationalforum Email: Mary Ahearn
Special Symposium: "Social Context Education for Judges: International Experiences"	4-5 November 2004 Ottawa, Ontario, Canada	Canadian National Judicial Institutes (see above)
Additional Dispute Resolution Strategies	19 November 2004 Melbourne, Australia	Judicial College of Victoria (see above)
Managing Successful Settlement Conferences, Level 1	December 1-3, 2004 Toronto, Ontario, Canada	National Judicial Institute Website: www.nji.ca
Teaching Judicial Educators To Teach Delay Reduction	December 2004 Location TBA	Commonwealth Judicial Education Institute Website: www.dal.ca/~cjei/

Judicial Education in China

The National Judicial Institute of Canada is launching a new five-year, \$5-million project in China. The goal of the project is to develop judicial education projects and resources between the Supreme People's Court of China and the NJI, as well as strengthen the rule of law in accordance with the Chinese government's Western Development Strategies and the Millennium Development Goals.

For twenty days last February a group of representatives from NJI and the Canadian International Development Agency (CIDA) visited China to make detailed plans for project cooperation on China's judicial and legal reform plans. During the visit meetings were arranged with all relevant departments of the Court and the National Judges College. The Canadian team also visited Sichuan and Gansu Provinces, had meetings with their Courts, visited court facilities and observed three trials. During week three, the Canadian team was joined by the Honourable Mr. Justice Michel Bastarache of the Supreme Court of Canada and Mr. David Gourdeau, the Commissioner for Federal Judicial Affairs.

Based on discussions in Beijing,

Sichuan and Gansu, project cooperation will focus on increasing the efficiency, fairness and effectiveness of both the trial process and the justice system. This will be achieved through judicial management and judicial training. The desire was also expressed that specialized training for judges be provided in areas such as maritime law, family law, commercial law and intellectual property.

In the long term the project is slated to achieve improved administrative and technical capacity of selected courts as well as enhanced judicial education through improved judicial education plans, curriculum development, course design and delivery.

The project is the result of the cooperation of several bodies, in both Canada and China. The two key partners are the National Judicial Institute and the International Exchange and Cooperation Department of the Chinese Supreme People's Court. To make the project possible, the Canadian Ministry of Commerce and the Canadian International Development Agency formulated and agreed to a Country Development Policy Framework document in October 2003.

In Your Opinion

◆ *Should Chief Justices and other Administrative Justices hold office for a term of years rather than throughout the rest of their judicial career?*

◆ *How long should such a term last?*

Join the discussion! We will present your opinions in the August edition of our newsletter, either under your name or anonymously, according to your direction.



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