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<b>Article:</b>	<b>The Conceptual Framework for Institutionalisation of E-court System in Pakistan</b>
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### Abstract

The paper is ensuring the efforts of Supreme Court of Pakistan to launch e-court system through video link connectivity for proceeding of cases through its different registries and, LHC and IHC have launched CMS and Mobile Applications for development of E-courts in Pakistan. The main objective of this research article is to propose a road map, how the existing ICT, E-courts can help Pakistani judiciary technology-driven approach with increased transparency. Moreover, how Pakistan can develop its model of E-courts to manage legal knowledge with integrity, quality and faster distribution of information, making the access to Justice easier and speeding up the whole judgement process. This research is based on a qualitative methodology to conduct a depth literature review and develop a conceptual model of E-courts through secondary data collected from libraries and internet sources. E-courts, working in different countries established through the utilization of the internet to ease the judicial proceedings for the litigant and all the other stakeholders in the process. The efforts specially targeted to help the poor. The E-courts has mainly provided a platform for the alliance of the ICT organization in the courts. In Pakistan E-courts model can be adequately adopted through computing machinery efficiently, more services, beyond as envisaged in the world for judicial proceedings must develop accordingly.

**Key words:** *ICT, E-courts, Model Courts, Technology, Judicial Proceedings, Internet.*

## Introduction

Access to justice is an essential issue for the dispensation of justice in many judicial systems all around the world. Therefore, Information communication and technology is considering as a potential instrument for expeditious dispensation of justice, and it is particularly improving justice system efficiency. (Lupo & Bailey, 2014) The famous legal maxim is "Delay justice is a denial of justice" means if there is an unreasonable delay in the delivery justice to the victim is means that its violation of fundamental rights because he will suffer an irreparable loss due to delay. It is a violation of human rights, as well. (Purohit, 2017) For expeditious justice delivery system, the world is moving towards the information communication and technology (ICT). The Judges, lawyers, legal administrators and litigants are regular users of ICT in their daily life. (Negi, 2016) Therefore, we can expect to rely upon modern technological systems in their daily practice. Even it can be beneficial in the courtroom; it is often to implement it as the last bastion of antiquated working practices will open new doors to technology as the modern world is adopting Artificial Intelligence in every segment of life. (R. Hassan et al., 2013)

"Artificial Intelligence contains the study of mechanized human intelligence. Its includes both practically oriented-research, such as the invention of computer applications can perform tasks by auto-generated human intelligence, and fundamental research, such as determining how to represent knowledge in the computer- comprehensible form. At the juncture of law on the one hand and Artificial Intelligence on the other lies an arena dedicated to the usage of advanced computer technology for lawful purposes: Law and Artificial Intelligence". (Lodder & Zeleznikow, 2012)

Information Communication and Technological Developments in all fields of information and the invention of computers made a significant change in the life of human civilization. It has changed the life of all humans in every field of human activity. (Sisler, 2011) Resultantly, it has enhanced efficiency and productivity, quality of output work in every aspect of life. ICT has advocated in all patterns of life in western countries in the last three decades. Therefore, this scenario has gained utmost thoughts to have ICT in the administration of justice system. (Prakash, 2014)

It is a fact that all the concerned Professional bodies, Judges and Courts Administrators are advocating in favour of ICT in the developed countries like the USA, Australia and UK, and in developing countries like India, Malaysia and Indonesia. (SABELA, 2016) The formal judicial process lover still has some reservations; that is why they are reluctant to adopt new technology. However, it desired to carry on as before maybe one reason is that they were not in favour of the universal adoption of an ADR. It has been slow to develop in some countries, including Pakistan, and the same is happening with E-courts, but it is an expeditious system of adjudication. (Zafar Iqbal Kalanauri, 2020) E-courts established and practised in several developed and some developing countries in order to ensure the effectivity and, the efficiency of the adjudication system is improving day by day. (Aiqa Mohamad Zain et al., 2018)

In Pakistani judiciary, Information technology and communication (ICT) not considered as one of the tools in the administration of justice and expeditious remedial justice in Pakistan.(Zafar Iqbal Kalanauri, 2020) However, in the last two decades, it was milestone whereby the ICT adopted adequately in the field of law and ICT has established itself as an integral part for the dispensation of justice in the superior judiciary. (Munir, 2005) E-courts would be a step forward towards the modern reforms in Pakistan legal system. The Pakistan legal framework has the court structure without information and communication technology, but now it is travelling towards virtually paved a new line of digitalization of Pakistan judicial system. The development for the administration of justice can be achieved and

considered following ICT. E-courts can have video link connectivity from jail to court, registry to court, witnesses to court, are some of the innovative study, which is going to discuss in the artificial intelligence as well with the help of ICT. (Zafar Iqbal Kalanauri, 2020) The main ambition behind the exertions made by the Supreme Court is to institute e-Courts proceedings using ICT. The former CJ Asif Saeed Khosa intended to enhance the rate of justice and reduce the piling up of a considerable number of cases in the judicial system of Pakistan. Therefore, he has started E-courts and Model courts for expeditious dispensation of justice on a trial basis. However, an emergent e-court literature stresses the significance of law and communication technology concerns in implementing and evaluating the ICT systems in the justice system accurately. (Aiqa Mohamad Zain et al., 2018) Moreover, there are several principles for the recognition of information technology, and "*system design principles*", further is for managing and designing the processes by which system created and implemented as "*design management principles*". (Lupo & Bailey, 2014)

The E-courts has derived from two concepts; one is the use of ICT, and the second is known as green courts. In Pakistan following this formal judicial proceeding, if our judges sit in the courts for 24/7 continually, even we at least need 25 years more to balance the case pendency rate. E-courts experience as Judicial System has been very successful in modern countries. Currently, most of the courts are working on their jurisprudence or procedure available on their websites. (Lupo & Bailey, 2014) However, as they can make it possible for lawyers and litigants to follow lawsuits through virtual proceedings of E-courts except for those protected by secrecy. In some countries, E-courts are already allowing the sending of petitions via internet directly on their web portal, and they do not need to submit the original petitions through their lawyers. The Originality of the documents and validity is electronically admissible. (Bueno et al., 2003) E-courts in all over the world, the following countries are implementing and operating by the initiative of Green concept to prevent the use of traditional paper-based working in developed and, developing countries like Malaysia, Indonesia, Singapore and India. These countries have started fully functional e-Court proceedings; Case Management System (CMS), Video Conferencing System (VCS), Community and Advocate Portal System (CAPS), and Court Recording and Transcription System (CRTS) and e-Filing system. (Singh et al., 2018)

### **Significance of Research**

This research is significant to provide E-court system for expeditious dispensation of justice in Pakistan. Court Management System (CMS) was launched in Pakistan by Lahore High Court and Islamabad High Court and mobile applications. This system is only to accommodate it as community and advocate portal system, CAP as it reveals through discussion of this the article. Furthermore, the Supreme Court of Pakistan has launched Video Conference System for online case hearing at principle seat from different provincial registries since July 2019.

Pakistani advocate/lawyer only enter data in the e-court application without having to bring documents to the court in hard form, just use his Portal and use e-filing for submission of all the relevant documents. Online Portal should make for advocate adopting ICT applications of E-courts, there is no need to wait long for court hearings, just use online attendance or QAS desk, and the case listed on a first-come, first-serve. Lastly, he can use video conferencing for the virtual hearing of the case, witness evidence and other formal proceedings and, it can be safe and protected. This study will constitute as a conceptual model for institutionalization of E-court system in Pakistan.

### **Research Objective**

This research article has the objective to propose a road map of how the existing Information and Communication Technology (ICT) can help Pakistani judiciary to evolve as more technology-driven with increased transparency within its legal framework. The research

question which needs to answer in this study is, How Pakistan can develop its model of E-courts to manage legal knowledge with veracity, quality and quicker distribution of knowledge, making dispensation of justice expeditiously and reliable for the whole judgement process.

### Research Methodology

This research study is based on a qualitative research methodology to conduct a depth literature review and develop a conceptual model of E-courts through secondary data collected from libraries and internet sources. This study will be a contribution to the institutionalization of the E-court system in Pakistan to incorporate it within its system by adopting ICT model as following in the World.

### E-Courts Procedure

No.	E-Court Procedure	
1.	<b>Case registration</b>	<ul style="list-style-type: none"> <li>The Registered User will register and submit the lawsuit through the E-Court.</li> <li>The Registered User will pay the case fee via transfer to the Court's bank account.</li> <li>The Court clerk will verify and process the registration of the lawsuit.</li> </ul>
2.	<b>Online summons for disputing parties</b>	<ul style="list-style-type: none"> <li>The Court can summon the disputing parties online if all the disputing parties including their legal representatives have given written consents for online summons.</li> <li>The Bailiff will send online summons to the electronic domicile (e-mail) of the disputing parties.</li> <li>Online summonses are deemed to be legally valid and proper so long as they are delivered to the electronic domicile within the grace period that is provided by the prevailing law.</li> </ul>
3.	<b>Delivery of court decisions</b>	<ul style="list-style-type: none"> <li>A copy of Court decision will be delivered online to the disputing parties no longer than 14 days after the decision has been rendered.</li> <li>In the cases of bankruptcy and suspension of debt payment obligation, the copy of court decision will be delivered to the relevant parties no longer than seven days after the decision has been rendered.</li> </ul>

(Picture was taken from Conventus Law: <http://www.conventuslaw.com/report/indonesia-e-court-online-court-case-administration/>)

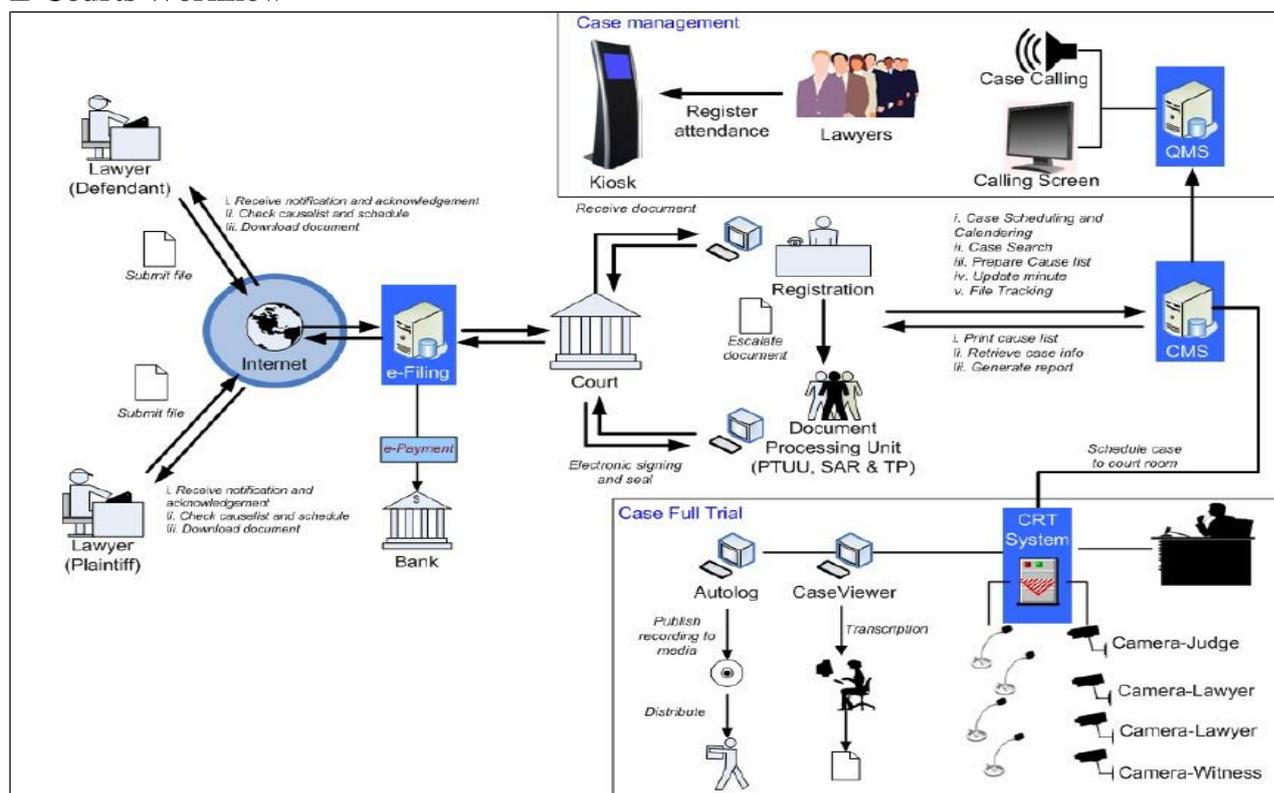
### E-Courts and applications of ICT (Information, Communication and Technology)

In many parts of the world, ICT is becoming a vital part in the implementation of tasks within limited time without human resources and cost-efficient management system within the Courts. Judges also want to change the formal delivery justice system into expeditious dispensation justice. (Vol, 2017) E-Courts depends on the quality of ICT related application for the dispensation of justice to all the parties on equal terms and in the same manner. Further, in a situation, where information and records not adequately maintained. The court of law is not able to make an impartial and all-inclusive quality decision, thus, depriving the aim of judicial institutions of applications of E-court will lead to prevention of legal rights of individuals and society. (Begum, 2008) Furthermore, if there is a system which retrievable case related ICT ensures a speedy justice delivered to the parties and society. The information of disputant parties, the record of proceedings, evidence and affidavits or statutory declaration in E-court system have various dimensions. Thus, E-court records have precedents of Superior Courts (CatLog System/Old Cases) and also references of sources of law. (Saman & Haider, 2013)

Moreover, the use of ICT in the E-court system is increasing day by day increased through literacy and technology awareness in the general public. It is need of the hour as well

in the regime of 4G internet and ICT has increased demand of public on the government to provide E-court system around the clock with automating its administrative and business services. (Aiqa Mohamad Zain et al., 2018) The ICT is providing new avenues to legal services around the globe to adopt the application at various levels to provide expeditious, reliable and consistent dispensation of justice services to the society. (Saman & Haider, 2013) Pakistan has started efforts to modernize its judiciary. Our justice system lags in the utilization of technology in the judicial department. Administration of justice and even a means to access to speedy justice in Pakistan. During the last two decades especially were milestones whereby the ICT adequately entered into the field of law at the beginning of proper E-judiciary, it is an integral part for the dispensation of justice in superior judiciary. (Munir, 2005) The first step forward is towards digitalization of judiciary has been taken by the Islamabad High Court and the Lahore High Court by introducing an online case management system; out of this the IHC case management system is more advanced and mobile application is also launched for daily cause list of cases with names of lawyers to display. Second step was taken by Chief Justice and other Judges of Supreme Court of Pakistan after July 2019 to launch Video Conference for the hearing of cases at principle seat from other registries of SC in provinces of Pakistan for expeditious delivery of justice. However, there is an immense need to analyse the applications of ICT are compatible with the model of E-courts of Pakistan or not.

**E-Courts Workflow**



The following figure is explaining how the E-courts interact with the case management system and proceedings:

Picture & Figure Credit: (Saman & Haider, 2013)

**Case Management System (CMS)**

Information, Communication and Technology (ICT) has an essential influence in the change of life towards virtualization and technological oriented. The involvement of the human element with the use of ICT is an essential factor because it cannot appropriately manage without the instruction of human. (Grieco & Bhopal, 2005) If ICT is using correctly,

it is a fact that tremendous changes come with betterment in human's life. Therefore, for the delivery of expeditious justice, it contemplates in delivery mechanism keeping in focus the quality, transparency and public accountability. (Prakash, 2014) Case Management System (CMS) is a dire need to implement decision support systems in E-courts. It has proper mechanisms which are developed according to ICT infrastructure in the court to support in the dissemination of legal services and decisions efficiently. (Verma, 2018) CMS developed specifically to improve service efficiency in dealing cases in court. Before CMS, the courts were dealing the matters by using the formal system in court proceedings. After the invention of CMS, the court proceedings are more systematic and protected. However, this system can be easily accessed directly by court staff, officers and judges through their official Portal. (Saman & Haider, 2013)

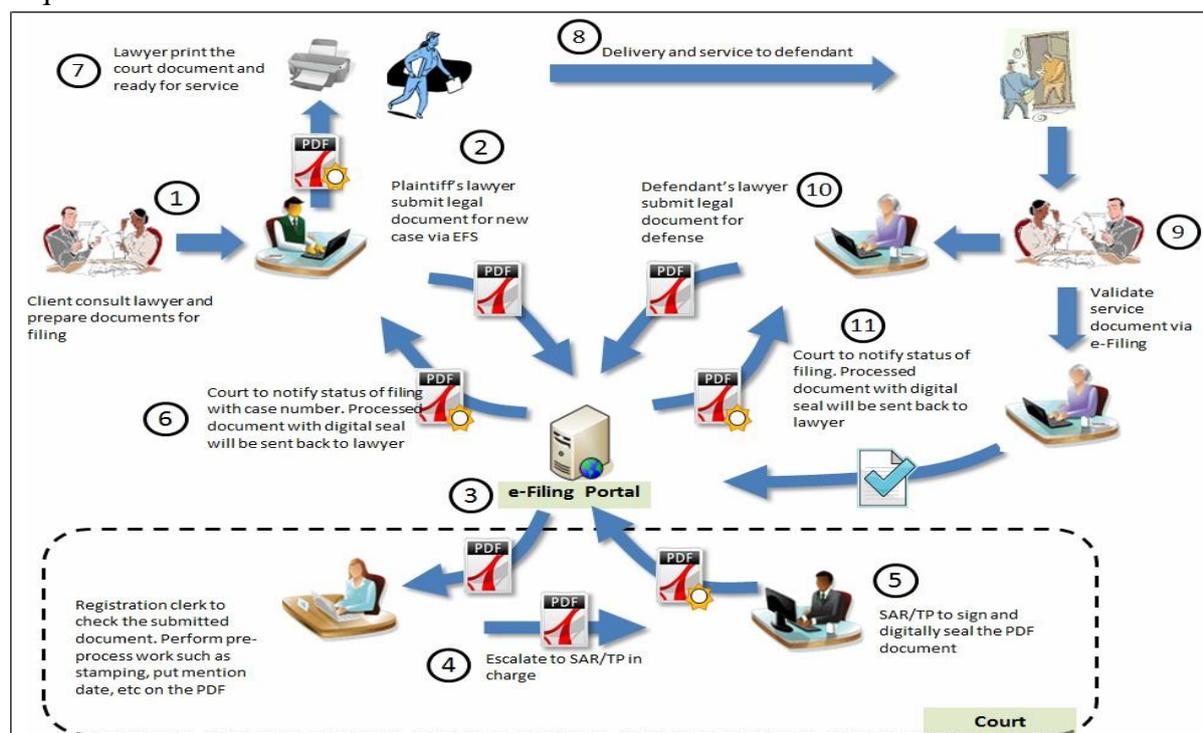
There are several other sub-module and services in the CMS, which are the 'e-filing' (Documents Submission) and 'e-registration' (Advocate and Case Registration). Further, CMS has Queue Management System (QMS) for the attendance of advocates and parties in the court proceedings; it is also in sub-module of CMS model. The QMS is the initial system after e-filing and e-registration used in the CMS system for the court proceedings. (K. H. Hassan et al., 2016) It starts with a line of attendance of advocates and litigants; usually, the case in the proceeding displayed on the LCD, and after attendance, the representative must wait for his call of the case. However, in e-courts, there is an option of Video Conferencing or virtual hearing of the case. (Nwandem, 2015) This system is very fair and systematic and may discipline the lawyers to comply on time. (K. H. Hassan, 2011) The Lahore High Court and Islamabad High Court has launched an online case management system, and IHC case management system is much advance equipped. However. There is a need for its proper installation and procedure to be followed for CMS as it is permissible for E-courts in all over the globe for speedy and cheap justice delivery system.

### **E-Filing and Document Submission**

E-filing and e-registration is an electronic system, for registration of advocates, submission of the petition (Cases) and other documents through the Online Portal of the courts by using CMS. (Ahmad, 2012) To follow the E-filing system, firstly to understand that it discourages the use papers due to the new concept of 'Green', therefore, lawyers and parties involved in the case have to 'scan' their petitions and documents. There is no hard form of documents, and paperwork is involved in the E-courts. (Purohit, 2017) However, this is under development stage, and preliminary the courts are adopting this model stepwise. The court fee and service charge payment made by using e-payments or e-banking (internet banking system) for payment of case filing. The e-filing and document submission is helping the lawyers and parties involved in managing and filing of documents on time without any hardships. (K. H. Hassan, 2011) In Pakistan, currently, the courts are not using this E-filing system in CMS. However, the quasi-judicial forms are partially adopting this e-filing system.

## E-Filing Procedure

The following figure explains the procedure, how E-filing and document submission required in e-courts:



Picture & Figure Credit: (Saman & Haider, 2013)

## Queue Management System (QMS)

QMS is an electronic system of CMS for the attendance of lawyers and parties involved in any case for adjudicating in the court. There is two procedure for attendance, one is online through Portal and second is when lawyer reached in court premises, they should record their presence in QMS registry desk. After marking attendance, lawyers and parties wait in the waiting area for their turn to call for court proceeding and hearing of the case. (K. H. Hassan et al., 2016) In QMS system priority will be given on first-come, first-serve basis in some courts and some follow the cause lists. Therefore, following this QMS case proceeding follow the expeditious process without a long wait and the parties are encouraged to be early on QMS attendance desk. There are some advantages of QMS, the cases will hear according to the attendance list, and Court administrator and judges would not have to wait too long. (Verma, 2018) They can proceed to the next case without any delay, whoever is ready. The same procedure is adopted for Video Conferencing mode in CMS for the proceeding of the case via online mode. (K. H. Hassan, 2011) There is dire need to adopt this QMS system for attendance and case proceeding in the Pakistani judicial system. The QMS system should be incorporated or installed in Lahore High Court and, Islamabad High Court as both courts are using the Court Management System (CMS).

## Video Conferencing System (VCS)

The ICT is used in the judiciary to prevent the use of paperwork and to develop expeditious, cheap and reliable justice delivery system. The advantage of ICT admitted through practices of different countries that it is speed enormously and transparency. (Aulawi & Asmawi, 2020) More extensive use of ICT in Video Conferencing proceedings of the cases can improve the judicial system so far as speed is concerned. There are several situations where, parties and advocates are unable to reach court on time due to unavailability, in this situation and for an examination of trial prisoners and witnesses video conferencing can be

expeditious remedial in the courts. Recently, many courts have adopted the video conferencing and virtual hearing as a means of timesaving and security-oriented for delivery justice. (Ahmad, 2012)

Furthermore, the VCS system is cost saving for advocates, clients and time saving for judges as well. This system is also protection for evidence (witness), the victim of rape cases and jawline cases. (Purohit, 2017) VCS technology is an online option to appears simultaneously on the screens of the court, counsels, parties and (where relevant) witnesses. Further, the court can take benefit by adopting online (Virtual) and Offline (recordings) of proceedings during the decision making. (Zafar Iqbal Kalanauri, 2020) The main ambition behind the exertions made by the Supreme Court of Pakistan is to institute E-courts proceedings using ICT. The former CJ Asif Saeed Khosa intended to enhance the rate of justice and reduce the piling up of the significant number of cases in the judicial system of Pakistan. Therefore, he has started designing e-courts and model courts for expeditious dispensation of justice on a trial basis. Therefore, the Supreme Court of Pakistan to launch the e-court system through video link connectivity for proceeding of cases through its different registries.

### **Case Recording and Transcribing (CRT)**

CRT system is for recording and transcribing by use of the electronic gadgets to record the trails, and it can save time and expedite the court process for dispensation of justice. A transcriber will take note, and he will perform the duties of the judge/magistrate as look after (Local Commissioner) in the recording of the court proceeding. The judge/judicial magistrate may refer to the transcript typed by the transcribers on the computer screen, and the benefit is that it can focus and observe the proceeding better. (Saman & Haider, 2013) Litigants and advocates can also get recordings in USB or compact disc without any charges for reference purposes. Oral evidence of witnesses can also record and stored to avoid the risk of loss and rederivation because both oral and documentary shreds of evidence can be used and referred primarily in appeal matters. (Aiqa Mohamad Zain et al., 2018) Currently, Pakistan judicial system has not adopted the CRT system. However, in the future development of judicial reforms, we can take benefit by using this system to make our delivery of justice system more systematic and reliable.

### **Community and Advocate Portal System (CAP)**

CAP is a communication system between the courts, advocates and the public. Through this CAP module, the administrative, judicial staff can disseminate the information regarding case hearing and future information among litigants and advocates. (Aulawi & Asmawi, 2020) This system has two option to adopt one is on Portal and other is through SMS service. This SMS service is established under the CAP to communicate schedule of cases to advocates and litigants easily.(Purohit, 2017) CAP system is already adopted by the Pakistani courts in the form of SMS service and mobile applications to disseminate information among the lawyers and litigants to updated about their cases via their cell phones. The app users will be able to find the cases by using case numbers, party names, and names of the advocates and they can also see daily cause list of the cases of High Court. But this model should be adopted for district and tehsil judiciary and develop proper E-court as it is very successful model in the world for delivery of justice.

### **Conclusion**

It is concluded that in 2018 ADR and Fast Track Courts were introduced in different provinces of Pakistan to resolve all dispute amicably. Further, Supreme Court of Pakistan has also introduced model courts for expeditious disposal of cases because Pakistani judiciary is over burdned from last three decades. During this COVID-19 situation everything is turning on online mode and Pakistani judiciary is also facing trouble in dispensation of justice. E-court model is saving time of judges, lawyers and disputants in decision making process.

Therefore, e-courts would be a positive step towards ensuring expeditious justice for the litigants and access to justice for the public in Pakistan. E-courts model in the modern countries is considered as cost-saving and timesaving.

Furthermore, it is concluded that here is a dire need of judiciary reform in the system, to find solutions to make possible the access to Justice. There is a drawback of technologically illiterate advocates, administrative staff, judges and litigants to adapt their self with the modernization of judicial proceeding of E-courts. It is a very cheap model and timesaving because there is no fee for online summons, so it is more economical than register case by conventional.

### **Recommendations**

This conceptual model of E-courts for adjudication and court proceedings in Pakistan is proposed in the light of literature available on this subject by the studies of different countries. The Pakistan judicial system can take benefit from this significant contribution of E-courts model under ICT standards in the delivery of justice.

The existing Court Management System (CMS), mobile application (CAP) and video conference system (VCS) in Pakistan cannot acknowledge as a model of E-courts working in developed countries. Therefore, there is dire need to install CMS, CAP and VCS system according to the international standard and after adopting ICT modules.

The Apex Courts and legislature of Pakistan can take steps to make rules and legislations to impart E-court system under ICT standards and also make paper less adjudication as need of the hour. There is need to start training programs for judges, lawyers and staff to make them literate of E-court and ICT applications in the driving force for the evolution of e-courts systematically. However, it is possible to visualize the future application of the e-Court project with the help to synchronize the operations of the Executive, Legislative and Judicial framework of Pakistan.



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