

# DIGITALIZATION OF JUDICIAL SYSTEM WILL SURELY PROVIDE JUSTICE TO PAKISTANI PUBLIC

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## 1. Introduction

Thesis Statement: It is an intricate question to answer whether digitalization of judicial system will provide justice to Pakistan's public. However, after meticulous analysis, it can be said that digitalization of judicial system will provide justice to Pakistanis. It will speed up the process of granting justice and will make it more transparent.

2) Digitalization of judicial system in Pakistan

3) Digitalization will provide justice to Pakistani Public (Thesis)

- (a) Strikes, protests and natural disasters will no more be the hurdles in the provision of justice. **Be certain**
- (b) Live streaming of court proceedings guarantees transparency in the administration of justice.
- (c) Digitalization of justice system can ensure that justice is accessible to all citizens, regardless of their ~~physical~~ geographic location.
- (d) The reduction in human interaction can decrease the likelihood of bribery, thereby encouraging more people to seek justice through court system.
- (e) Digital file handling will surely reduce the delays in justice.

4) Digitalization of judicial system will not provide justice to Pakistan's public (Anti thesis) Gracy



- a) Depersonalization and loss of human factors may impact the quality of justice
  - b) live streaming of cases may compromise the privacy of individuals
  - c) Digital divide and low literacy levels in rural area are still the obstacles in provision of justice
  - d) Digitalization escalates security concerns due to cyber-attack and data breaches
  - e) The system currently employed has no flags to indicate urgency and ages of cases
- 5) Temporary hurdles cannot undermine the long term benefits (Synthesis)
- (a) The quality of justice depends on the capabilities and impartiality of investigation process and judges
  - (b) Special provisions can be enacted in sensitive matters on court's discretion
  - (c) The option of face-to-face hearing and physical procedure are still present
  - (d) Enhanced security measures can prevent cyber attacks and data breaches
  - (e) The issues of ~~data~~ digitalization will be resolved as they arise

6) Conclusion



According to Law and Justice Commission in Pakistan, there are 50,000 cases pending in Supreme court, 300,000 in 5 high courts and 20,00,000 in the subordinate courts. There are only 3000 judges for solving these cases. According to World Bank 2018, it takes around 1070 days to settle a commercial case. Hence, Pakistan is in dire need of digitalization of judicial system. However, it is an intricate question to answer whether digitalization provide justice to Pakistan's public or not. After meticulous analysis, it can be said that digitalization will provide justice to Pakistan's public. This is achieved by removal of hurdles like strikes and natural disasters in the provision of justice, ensuring transparency in court's proceedings and eradication of geographical barriers in access to justice. Moreover, reduced human interaction will lessen the corruption and digital file handling will reduce the delays in justice. However, on other side, it is said that digitalization will not provide justice. This is because depersonalization will impact the quality of justice, live streaming may compromise the privacy of individuals and digital divide is still hindrance in provision of justice. Furthermore, it escalates security concerns due to cyber attack and it has no flags to indicate urgency and ages of cases. Nonetheless, after examining both the side, it can be said that temporary hurdles cannot undermine the long term benefits. It is proved by points like quality of justice depends on the impartiality and capability of judges and investigation process, special provisions can be enacted for privacy breach during live streaming, and the

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option of physical process is still present. Over and above, enhanced security matters can prevent cyber attack and the factors will be removed as they arise.

Digitalization of judicial system has just been started. The honourable Chief Justice of Pakistan, Justice Qazi Faiz Esa, has constituted the National Judicial Automation Committee to improve the efficiency of judiciary in Pakistan. The Committee will be led by Justice Mansoor Ali Shah and Justice Muhammad Ali Mazhar. Judges from high courts and Federal Shariat Court will also be part of committee. The National Judicial Automation Committee (NJAC) will work towards the digitalization of court processes and records, introduce mobile application for better access to justice. It will also improve the case management. It will work to automate and integrate the judiciary and also introduce the Artificial Intelligence (AI) in the legal processes and research. Therefore, Pakistan is on the path to the digitalization of judicial process.

The emerging question is whether it will also ameliorate the provision of justice to public. The positive side is proved by points like it will eradicate the hurdles in the process of provision of justice. Strikes, protests and natural disasters are main hurdles in the provision of justice. Many times protests by lawyers delay the court proceedings. Strikes are also the obstacles in the delivery of justice on time. Demonstrates

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block roads which make it difficult for judges, judicial staff and public to reach court. Pakistan is frequently facing natural disasters due to climate crisis. This hinders normal functioning of judicial system which in turn block the process of justice. Moreover, COVID-19 has also disrupted the court proceedings to large extents. All these factors are stalling the process of justice. Peshawar High court registrar, Khawaja Wajihuddin, said that case pending in high courts and district courts had surged from 237,302 to 262,882 due to strikes, protests and pandemic. Digitalization of judicial system will result in removal of these hurdles.

Live streaming of cases guarantees transparency in administration of justice. Entire public of Pakistan can watch the matters of courts on its TV due to live streaming. This live streaming of court proceeding will prevent the judges from leaving the path of impartiality. This is because entire Pakistan is watching the judge. Pakistan's public can hold that judge accountable for his misconduct. Moreover, any <sup>kind of</sup> impartiality will lead to the losing of credibility of that judge. He will lose his reputation and will be disparaged in society for his biased role. These things will keep the judge fair and unbiased. Once the judge remain unbiased and credible, then the quality of justice will surely be increased. Thus, live streaming of court proceedings will strengthen the process of justice. Digitalization of justice system will ensure the

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that justice is accessible to all, irrespective of their geographical position. Equal access to judicial system is very important for administering justice. Many people in Pakistan are living in far flung areas. It becomes very difficult for them to travel after every 2 to 3 days for court procedures. Digitalization of court procedures like virtual courts and e-filing system can prevent the need of extensive travel. Many people in Pakistan are poor and cannot afford hefty fees and cost of court procedures and travel. Digitalization will save their cost of travel. Many countries have digitalized the judicial system for granting access of justice to remote areas. The implementation of NJDC has granted access of justice to individuals residing in remote areas in India (**Transforming Access to Justice in the Digital Age: The Role of E-Courts**). Therefore digitalization will provide justice to every individual.

The reduction in human interaction can decrease the likelihood of bribery in court matters. This thing encourage more people to seek justice through court system. Digitalization has played a pivotal role in this venture. Online fee payment has diminished the risk of charging additional charges to individuals. Moreover, manual file handling has a greater risk of demanding additional money for moving file to main court. E-filing has reduced this risk. Andersen in a study revealed that digitalization has reduced the corruption from 10<sup>th</sup> percentile to 23<sup>rd</sup> percentile (**Technological Innovations to Identify and Reduce Corruption**)

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The reduction in corruption motivates people to heed towards judicial system for justice, instead of any other method of ~~doing~~ imparting justice. Therefore, digitalization will provide justice to public by reducing corruption.

Digital file handling will surely reduce the delays in justice. As it is said that justice delayed is justice denied. Pakistan judicial system is notorious for this. Currently, most lawyers write pleadings, print it and submit it in the court with court fees. Court official review it and then make entries into database. Whereas, with the e-filing the pleadings are prepared in the same way but uploaded electronically with the file transfer protocol. Moreover, with the digital record system it is easy to find any court recordings just by typing file number. Without an electronic filing system, a Nintex study found that 49% of employees have difficulty locating documents. All these hurdles cause the justice to linger on for years. Therefore, digitalization expedite the provision of justice through digital filing.

Conversely, there are some points that assert that digitalization will not provide justice to public. This include that depersonalization and loss of human factors may impact the quality of justice. Digital hearings can deteriorate the process of justice. When an offender is present in the court, there is more pressure on him. He may give some clue through his body language and gestures. These can help judges to catch the offenders. However, in digital process, these gestures and body movement are ~~lost~~.  
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absence

to analyze because of ~~not~~ ~~present~~ ~~in~~ court. Moreover, distant court proceedings can disrupt the effective communication between lawyer and prosecutor. This can impact the way the lawyer can effectively present his client's case. Therefore, digitalization can impact the quality of justice.

Live streaming of cases may compromise the privacy of individuals. Privacy of individual is very important to preserve in court proceedings. Entire country get to know about offender and his offence. This thing will create difficulty for offender to reintegrate into society after rehabilitation. Moreover, it can prevent witnesses from disclosing every details of cases. Some witnesses even refuse to give testimony in court due to security concern. Female offenders are more prone to this. All this make the judicial system ineffective. This inefficiency can lead to the emergence of real offender. Therefore, privacy breach can hinder the process of provision of justice.

Digital divide and low literacy levels in rural area are ~~both~~ obstacles in the provision of justice in digitalized system. Internet access and <sup>high</sup> literacy rate are pre-requisite for a digitalized judicial system. However, large portion of Pakistan's public lacks access to internet connectivity. Around 35% of Pakistan lacks internet infrastructure. **Pakistan's Great Digital Divide, The Diplomat**. Moreover, large portion of rural population of Pakistan is illiterate. Digital procedures

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will be difficult for them to follow - Illiteracy rate in rural areas in Pakistan is 46% (Pakistan Economic Survey 2022-2023, Education Chapter). These illiteracy and low internet connectivity are hurdles in the provision of justice in digitalized system.

Digitalization escalates security concerns due to cyber attacks and data breaches. Security concerns are important to consider during digitalization of judicial system. Digitalization makes judicial system vulnerable to cyber attacks. Cyber attacks can manipulate data and evidence. Thus, making ways for eneration of criminal. Data breaches are common in digital system. Preserving and saving the data of offenders, prosecutors and witnesses are very important due to security concerns. It becomes easy for hacker to steal the data without resorting to any violent means. Digitalization also reduces the chances of catching those who steal or intercept the flow of data. Therefore, digitalization will disrupt the smooth process of justice.

The system currently employed has no flags to indicate the urgency and ages of cases. Prioritizing cases is very important feature of sound judicial system. Some cases have to be decided on early note than others because of their delicacy. However, the current digitalized judicial system in Pakistan has no such mechanism for indicating urgent cases that need immediate attention. Justice Marhar, a judge of Supreme Court has said that current

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has no such mechanism for highlighting urgent cases. This makes judicial system ineffective. It erodes the people's trust on judicial system. Therefore, ~~just~~ digitalization of judicial system will not provide justice to Pakistan's public.

After thorough examination, it is realized that temporary hurdles cannot undermine the long term benefits. As far as the quality of justice is concerned, then it depends on the capabilities and impartiality of judges and investigation process. If judges are impartial and unbiased, they can ignore the gestures and evidence that enough for proving the offence. Impartiality and competency of judges are main factor in assessing the quality of justice. Moreover, ~~non-partisan~~ non-partisan <sup>note</sup> of investigation officer is also very crucial for maintaining the quality of justice. It is in the hands of investigation officer to give any turn to case through evidence. Digitalization does not have any impact on the quality of justice. It will rather ensure the just role of judges and investigation officer. Hence, digitalization does not make the process of justice ineffective.

As far as, the privacy of individuals are concerned then special provisions can be enacted in sensitive matters on court's discretion. Some matters are so sensitive that they cannot be publicized. This include gender related cases like rape cases, prostitution and kidnapping. This may expose the victim. However, some provis-

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ions and act can be passed for preserving their identity. These act can include blurring the face of victims, witnesses and hiding their details - They should be called with some other names, instead of their original names. Many countries have enacted laws for preserving the privacy of individual. In the U.S., Rule 53 of the Federal Rules of civil ~~procedure~~ Procedure allows federal courts to limit the broadcasting, televising, recording and photographing. Thus, digitalization is flexible process that can provide justice to victims.

It is absolutely right that illiteracy and low internet connectivity are hurdles in the provision of justice through digitalized system. However, the option of face-to-face hearing and physical procedure is still present. It is not compulsory to use digital system - All those who are finding difficulty while using digital system can resort to physical process. This option is just to facilitate the public and for expediting the process of provision of justice. Moreover, many guides will be available that can help people during process. Videos for completing the digital procedure are also uploaded on internet. Therefore, digitalization can still provide justice to public.

Cyber attacks and data breaches can be prevented through enhanced security measures. Many countries have digitalized their judicial system. Their judicial system is running smoothly without cyber attacks and data breaches. This is achieved through enhanced security measures. These  
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measures include encrypted system. Moreover, databases can be secured for halting data breaches. Strong passwords and well-maintained databases are the keys of secure of digitalized system. Therefore, one digitalized judicial system can be made secure by implementing enhanced security measures.

The issues of digitization of judicial system will be resolved as they arise. Pakistan has first time digitalized its judicial system. There must be some lacunas and shortcomings in the initial stage. These problems and shortcomings will be resolved with time. It is impossible to establish the system that does not have any issues in first attempt. Machines are updated with time. Softwares are updated for better accuracy. In the same way, the issues related to digitalized system will be resolved with time. Therefore, digitalized judicial system would have issue at the beginning but these will be resolved with time.

Therefore, the discussion started with the thesis that digitalization will provide justice to Pakistan's public. This was proved by arguments like increase in the transparency of court proceeding due to live streaming, an increase in access to justice due to virtual courts and reduction in corruption and delays in case management due to digital file handling and online transaction. Afterwards, an antithesis arised that asserted that digitalization would not provide justice. This is proved by points like ~~impro~~ spoiling of quality of justice due to depersonalization, manning of privacy due to live streaming and digital divide would be an obstacle in provision  
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of justice. However, the quest for finding the truth led to synthesis which favoured the thesis and opposed the antithesis. Synthesis is proved by points like ~~quality~~ quality of justice depend on impartiality and competence of judges and investigation procedure, special provisions can be enacted for preserving the privacy and enhancing security measure for preventing cyberattacks. Entire world is moving toward digitalization; therefore, ~~we~~ <sup>Pakistan</sup> should also make efforts for digitalizing the judicial system. Engaging in ~~these~~ discussions like whether it would provide justice or not is futile. Pakistan should focus on digitalizing the system.

Add more research based references/examples to substantiate your arguments