

# Digitalization of Judicial System

Will Surely Provide Justice to Pakistan's Public

## 1. Introduction:

1.1. Digitalization

1.2. Digitalization Improved Life

1.3. Digitalization of Judicial System.

1.4. Thesis Statement: In this era of Artificial Intelligence (AI), Digitalization is the backbone of progress. The digitalization of judicial system will also ~~becomes~~ a prove beneficial for improvement of judicial system by timely management of cases. It will address the issue of delayed justice.

## 2. Benefits of Digitalization of Judicial System with Special Reference to Pakistan

2.1. Case Assignment on Pre-Defined Criteria

2.2. Case Work Flow Management

2.3. Easy to Get Reference from Previous Judgements

2.4. Transparent and Easily Accessible

2.5. Lack of Human Involvement Reduces Chances of Errors

2.6. Accessible Record Maintenance

2.7. Time Management and Progress Tracking

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### 3. Issues in Digitalization of Judicial System

- 3.1 Lack of Resources and Will
- 3.2 Data Security Issues
- 3.3 Mis-use of Record for Blackmailing and Harassment.
- 3.4 Chances of Record Lost in Case of System Failure
- 3.5 AI Based Biasness
- 3.6 Legal Hurdles

### 4. Way Forward and Recommendations

- 4.1 Awareness for Shifting to Digitalized Judicial System
- 4.2 Trainings and Capacity Building
- 4.3 Efficient Use of Resources
- 4.4 Improved Security Features in Digitalized Judiciary.

### 5. Conclusion.

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Digitalization is a process of converting from typical old systems to modern computer systems. The usage of modern gadgetry became a need for of this time. Digitalization and computers have improved life in an unbelievable way. The distance and time became irrelevant in this era of digital life. The world is turned into a global village. One can get any thing from any part of the world and can access any thing anywhere from any where. Judicial System in Pakistan is working on old practices of introduced by colonial Masters. It needs reform and shifting from ages old methods to modern day digitalized world. In fact it is transforming in one way or other. Judiciary is now using digital infrastructures to some extent from <sup>hearing</sup> appearance through video link to record management in computer systems. Still, it needs an overhaul to shift completely on digitalization. In this era of Artificial Intelligence the shifting of judicial system on digitalization can improve judicial system and ~~pro~~ surely provide justice to Pakistan's public. It will improve timely provision of justice which is a fundamental of good judicial

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System.

The digitalization of judicial system will bring a lot of benefits for public as well as judiciary itself. Some of the benefits includes it will provide a system for automatic case assignment to judges judicial officers on pre-defined criteria. It will address the controversial case assignment issue, which was a case of contentment between Supreme Court and Government in recent past, during the approval of Supreme Court Practice and Procedure bill 2023. The computer system programmed to automatically assign cases to Justice or benches on some pre-conditions and criteria will address this issue.

Similarly, the digitalization of Judicial system will make it easy for The Chief Justice or Judicial Commission to monitor performance of Judges in cases. The case work flow will provide real time progress of cases to superior tier of judicial administration. At the same time, public can also get benefit by monitoring progress of their cases. It will also provides help in decelering of promotion cases of Judges by monitoring their actual performance through computer digital system.

It ~~will~~<sup>would</sup> be easy for Judges and lawyers to get reference from previous judgements in digitalized judicial system. The previous record would be easy accessible which will save precious time of court and public. Reference from previous judgements are an easy way to conclude a case. These references will be easily available. To some extent Supreme Court of Pakistan and High Courts have started this service. Any one can access previous record of judgements through website of concerned High Court or Supreme Court of Pakistan. The availability and accessibility of previous reference will also improve response time and speedy justice would be ensured.

At the same time, the accessibility of record will ensure transparency. The record can be scrutinize by public and experts. This will also ensure judicial activism. The Judges would automatically become responsible to public for their judgements. Transparency is one of the basics of good governance as laid by IMF and World Bank. The transparent judicial system will ensure good governance in judiciary. Thus, improving justice delivery. This will ensure

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Public Participation in judicial system. The thought of answering will improve justice delivery. Judges and judicial system will become responsive to public once it get digitalized. The recent example of "live broadcast" of hearing of "Supreme Court Practice and Procedure bill 2023" improved public trust and at the same time it added a thought of responsibility in Justices.

Lack of human involvement in digitalized system would reduce the chances of errors. The clerical mistakes intentional or unintentional would be reduced to zero. The human delay by sub-ordinate staff of courts in providing decision files would also be eliminated. Public would have access to real time progress of their case and they can spot any kind of errors during proceedings instead of after decision. Digitalized record would be more accurate and it will have to face more security as compared to traditional system. Thus, the provision of justice would surely improve by digitalization.

It will be easy for judicial staff and public to access record. The previous records can be accessed by public and judicial staff by one click. The term "selective justice" would

be vanished from judicial system of Pakistan by shifting to digitalized system. The Courts would be scrutinized on their judgements. They have to explain their decisions. The different decisions in same kind of allegations would demand answers. So, the courts would ensure equal justice and it will improve over ranking in International Justice System, ~~from~~ which is now in last 10 countries.

Digitalization on one hand will improve ~~just~~ equal justice and ~~the~~ on the other hand it will make sure to provide justice well in time. As it is said "Justice delayed is Justice denied." The digitilization of judicial system will improve in timely justice delivery. Automated time calculation will bound courts to timely hear and decide cases. System generated cause lists will ensure equal time ~~dist~~ distribution to each case. This will ~~reduce~~ eliminate the practice of preference of one case on other. The digital system will assign cases to judges on the basis of work load and case management will be based on computer designed assignement. The discretion of judges to hear or adjourn, a damaging factor for judicial system of Pakistan, ~~will~~ would be ended and computers will ensure equal delay in each case. This will

add greatly to justice delivery in Pakistan.

Although, there are a lot of benefits for digitalization of judicial system, but, there are certain limitations. As Pakistan is a resource constraint country, especially in terms of ~~the~~ digital resources. The infrastructure required for digitalization of judicial system is much costly which is a bit difficult for Pakistan to import. At the same time this kind of judicial reform requires a huge will power. The complete ~~shift~~ shifting of judicial system to digital system is an herculean task. The Pakistani Judiciary as well as politicians do not want to shift to more transparent system as they have to use judicial system for their narrow interests.

Simultaneously, Pakistan is not much advanced in technology. The shift of ~~digital data~~ to court data to digital system is a risky task. The security breaches can lead to new issues. The digital data is not always secure. Hackers and other bad-guys as well as Indian intelligence and other enemies of Pakistan can breach into this data. There is a possibility of ~~data~~ destruction of this data or altogether tampering of



the sensitive data. The digital record stored online is easy to access and negative use.

Concurrently, Hackers can use this data for blackmailing and harassment. The privacy of individuals would also be compromised if the data breach occurs. The digital data available online can be used in negative ways which can cause societal failure. The family courts data can cause ~~dis~~ mental disturbance for females. Especially the data of female victims in gender sensitive cases can cause victim shame and blaming. Similarly the data of vulnerable victims can cause mental stress for them.

On the other hand the system failure can cause record lost. In this scenario the courts would become blank, which is not acceptable at any cost. The digital record is always at the risk of loss or destruction. Most of the time it is done by hackers for some interests. So ~~to~~ shifting from manual to online ~~a~~ record involves some risks also. The digitalized record is prone to loss and destruction. ~~Any kind of~~ The use of digital record by any inexperienced official can also result in loss of important record ~~in~~ mistakenly.

The implementation of Artificial

Intelligence can also involves risk of biasness. As AI is human developed technology and it is trained by human beings. So, humans can train AI to biasness with some group or race. This can cause injustice in case of implementation of this technology. The technology is man-made and it is trained by men. It can be biased. The training of developers and its building algorithms can make it biased. This biasness can result in injustice.

Pakistani judicial system is based on ages-old colonial justice system. It still do not changed it self with modern requirements. To shift on It is very difficult for this system to shift on digital system. There is a need of overall shifting in laws, rules, etc. to shift to digital system. Pakistan's justice system, untill a recent past, don't accept CCTV camera as evidence. So, the colonial legacy needs to be updated with modern era problems and their solutions.

Although, there are a lot of hurdles in shifting from traditional justice system to digitalization. But, it is not an impossible task. To provide justice to Pakistan's public, shifting of judicial system to

digitalization is necessary by following steps: The awareness to public as well as judiciary and other stake holders is necessary. The awareness campaigns are needed to maximize the benefits of digitalization of judicial system.

At the same time, trainings and capacity building of judicial staff is necessary. The softwares needs to be built by collaboration of all stakeholders. The on-job trainings be provided to Justices and senior lawyers. Easy to use and interactive softwares needed to be developed. Digital and manual system should be allowed to work concurrently for a specific period. Regular training workshops and awareness campaigns are necessary to develop knowledge about digitalization of justice system.

Resources should be used efficiently. Irresponsible use of resource should be dealt with iron-hand. The resources being mis-used or ill-used needs to be relocated to digitalization of justice system. Extra use of resources needs to be discouraged. The over-use resources can be shifted for digitalization of justice system. This is only possible by the intervention from highest level of judiciary. The personal interest

of senior most justice officials i.e. Chief Justice of Pakistan alongwith government of Pakistan can turn this into a reality.

To stop security breaches it is necessary to ~~shif~~ add extra security layers, firewalls and inscriptions. Punjab Police is already using digital tools which have a good security features. Same security features can be replicated in justice system. Similarly other government and non-government organizations dealing with sensitive data are using digital tools without compromising security. This is also possible for justice system to use digital systems without compromising security.

All in all digitalization of judicial system will ~~surely provide~~ require some efforts from all stake holders. But it has the capacity to provide justice to Pakistan's public by improving judicial system. It will ensure timely provision of justice, transparency, availability of information, and in-time accountability. It will ~~th~~. Digitalization is the new future. The justice system will also have to adopt it and this will improve the justice delivery to Pakistan's public.

From the unwritten comes customs, which by permanent use becomes rules.

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