



The Concept of I.C.T. Application in Legal Field

* Prof.Kamlesh M.Pandya.

* Assistant Professor. SHETH D.L.LAW COLLEGE. Bhuj-Kachchh (Gujarat), India.

ABSTRACT

Delay in Justice is denied in Justice. Information Communication Technology is a sine qua non in Legal Field for speedy trial. It is necessary to introduce in Legal Educational Field and other fields of Legal, such as, in the chamber of advocate, court and other Legal Service Provider Institutes. Any device that can add facilities to provide speedy trial can be included in I.C.T. in Legal Field. However, the Government of India is much alert on this subject. It can help to improve the legal services in all the field of Law and administrative of Justice.

Keywords : Necessary Element – Information Communication Technology – Information Technology Act – E-Courts – Legal Education – Legal Software

(1) INTRODUCTION:

In December 2013, The Gujarat High Court has advertised in leading news papers for a tender of 1000 Laptops for the betterment of Justice Delivery System¹, speaks itself the requirement and importance of I.C.T. Application in Legal Field. I.C.T. means Information Communication Technology. I.C.T. includes Information Technology that can make communication between two persons. I.C.T. includes Mobile, T.V., Web-sites, Microphones, Telephone, Computer, Laptop and what not! The use of I.C.T. includes S.M.S. to Email facilities.

I.C.T. Application is useful in various fields like:

- Teaching and Learning Sector.
- Environment sector.
- Science sector.
- Health sector.
- Legal sector.

So far as legal field is concerned, the concept of E-COURTS has been accepted by APEX BODY OF JUDICIARY OF INDIA. H'ble Justice K.G. Balakrishnan² is right in saying that **the e-Court is part of a pilot project that aims to save a lot of government resources and human hours.**

In India, legal field is regulated by Bar Council of India³. The Advocate Act, 1961 deals with legal education and legal ethics. In both level, I.C.T. application is needed, so that this topic can be divided into two parts:

- (A) I.C.T. in Teaching-Learning purpose in Legal Education, and
- (B) I.C.T. in Justice Delivery System.

(2) I.C.T. APPLICATION IN Teaching-Learning Purpose in Legal Education:

The Legal Profession is known as a noble one. Hence, it is necessary to have the best Education System in Law. The days are gone where the rumor existed about the part time study of Legal Education. Now-a-days it is necessary to be acquainted with all the latest decisions and relative provisions of Law.

(2.1) The duties of the law teacher:

1. It is the teacher's duty towards the student to provide latest legal facts and decisions along with related articles.

2. The teacher must have the fundamental knowledge of I.C.T. APPLICATION. The Art of teaching includes to use latest methods in class room instead of **traditional method.**

3. The teacher must have a little knowledge regarding the **web sites of legal field.**

4. To meet the end of Justice, it is necessary to be acquainted with national and international affairs sites. And for that purpose **the use of I.C.T. Application is the urgent need of present era.**

(2.2) Merits of I.C.T. Application in Legal Education:

The student can be acquainted not only with texts but also the other ways of demonstration can help the student to acquire a sharp knowledge of a particular topic or subject. The text, exercises, case study, latest case including opinions and all the other necessary materials can be available to satisfy the thrust of the knowledge of the student.

Even some text books also provide Audio C D of the author, and the student can hear the voice of the author or writer and by this way the pronunciation problem can be solved. For example, a book on H'ble Nani Palkhivala's speeches in Tax Laws and Constitutional Field is available with the audio c.d. of Late H'ble Palkhivala's Speeches.

The student and teacher can get the benefits of SMS Alerts and Desk top Alerts facilities in the world of Legal News and Legal Decisions. For example MANUPATRA⁴ provides the same. The student and teacher can access legal articles from ebc-india.com in every subject of Law. So the Student can be motivated by this way.

(2.3) Useful Websites in Legal Education:

It is necessary to have acquainted with latest updates in Legal Field. Some websites are useful for the students and teachers, such as:

www.allindiareporter.com
www.supremecourtcases.com
www.ebc-incia.com
www.taxman.com
www.nhrc.nic.in
www.nationalcommissionforwomen.nic.in
www.un.org

www.amnesty.org.
www.hrw.org
www.indianjudiciary.in

(3) I.C.T. APPLICATION IN JUSTICE DELIVERY SYSTEM :

There are two maxims available for that purpose:

- (a) Delay in Justice is denied for the Justice.
- (b) Justice is not a matter of Speed.

Art.21 deals with the right of speedy justice. Our H'ble Supreme Court has raised eye brows on the delay practices. The experts have found THE USE OF I.C.T. as the solution to avoid delays in Justice Delivery System.

The subject covers National Policy for implementation of I.C.T. for this purpose, the concept of E-Courts and the problems and solution of its.

(3.1) NATIONAL POLICY FOR IMPLEMENTATION OF I.C.T. IN JUDICIARY :

The H'ble E-Committee of Supreme Court of India had prepared a detailed report (47 pages) on the NATIONAL POLICY FOR THE IMPLEMENTATION OF I.C.T.⁵ in the Indian Judiciary on 1st August 2005.

The E-committee consisted of H'ble chief Justice of Supreme Court of India with other members. Now on 5th Feb.2011 it consists of H'ble Chief Justice of India and other 12 Members. In 2005 report, the creation of I.C.T. Infrastructure, communication infrastructure, Site preparation, and infrastructure creation for e-commerce, development of customized software application, digitisation of legal tools like statute laws and case laws, interconnection of law libraries, and all the necessary particulars were discussed.

The committee faced with many difficulties for the implementation of it. Such as training programme, the need of additional 15000 courts in India with the similar facilities and other technical problems. The major problem was/is the funding matter as the cost reaches at about 854 crores of Rupees.

But the formation of E-Committee speaks it self that the Govt. of India is aware of all the fact and we will have e-courts within 3 years.

(3.2) E-COURTS: NEEDS OF THE PRESENT ERA:

By this system the Judicial Officer will be able to replay the recordings of old proceedings of old courts and all the data will be protected by latest technologies. There will be a plasma T.V., three cameras along with microphones and all the necessary digital tools.

The sources say that in Bhadra, Ahmedabad, (Gujarat), will have India's first E-Court.

However, there is no any E-Court in India.

(4) PROBLEMS:

There are common problems arise in both the stream. Lack of basic principles of I.C.T. and infrastructure prevail everywhere. Some lawyers and teachers are having technology phobia , that prevent them to learn or use the I.C.T. especially in Legal Education field, most of the law colleges do not get grant of U.G.C. on account of lack of teaching staff. The Bar Council of India is not aware to introduce this subject in syllabus.

(5) SUGGESTIONS:

(5.1) Regarding Legal Education Field:

The teachers' training in ICT Application is necessary .The laptop facilities should be provided in Law Colleges. Some lectures with the help of I.C.T.Application should be compulsory as a norm of Education Methods.

However, in K.S.K.V. Kachchh University⁶ and Gujarat University⁷ have framed syllabus regarding this subjects namely (1) Use of Law Journal and Legal Software and (2) Use of Internet in Legal Education as SOFT SKILL COURSE in Choice Based Credit System Course.

Necessary teaching staff should be provided by the concerned authority.

(5.2) Regarding Justice Delivery System:

I.C.T.Training and E-Courts Training for the Judges and Lawyers is necessary.

E-Courts in India must be supported by active use of ON LINE DISPUTE RESOLUTION.

The training of CYBER LAW AND TELECOMMUNICATION LAW must be provided to all the judicial officer and lawyers.

There should be I.C.T.topics in the syllabus of All India Bar Examination and all the Judicial Examinations.

REFERENCES

www.gujarathighcourt.nic.in | www.timesofindia.indiatimes.com dated 9/2/2009 at Ahmedabad. | www.barcouncilofindia.nic.in | www.manupatra.com | www.supremecourtindia.nic.in | www.kskvku.digitaluniversity.ac | www.gujaratuniversity.org.in