

Transforming Justice: The Impact and Challenges of Digitization in Indian Law and Governance

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Abstract: *This article delves into the multifaceted realm of digitization in India's legal and governmental sectors. It starts by defining digitization and its necessity for efficient operation and global competitiveness, highlighting the Digital India programmes significant impact. The article then explores the revolutionary changes in Indian courts, such as the e - courts mission, network improvements, and the use of open source software like the Case Information System. It further discusses the emergence of virtual courts, the role of AI in legal analytics, and the growth of cybercrime, including identity theft, cyber stalking, and online terrorist funding. The article also addresses the legal frameworks in place, such as the Indian Penal Code and the Unlawful Activities Prevention Act, while pointing out the need for updated legislation for digital currencies and technology - related crimes. The article concludes by emphasizing the need for a balanced approach to digitization, considering both its benefits and potential legal challenges.*

Keywords: Digitization in India, Digital India Programme, E - Courts and Cyber Law, Artificial Intelligence in Legal Sector, Cybercrime and Legal Response

1. Introduction

The process of equipping any authority or organization's operations with digital technologies to facilitate their job is known as digitization. and offer fresh chances for generating value and income; in essence, it's a shift toward an authority's digital operations.

Need of digitization: Digitization is necessary since it allows us to handle our records uniformly and operate our firm more efficiently. The finest part about arming ourselves with digital technologies is that it allows us to share data instantly and communicate more quickly with people anywhere in the world. Technology is advancing so quickly these days. Since new developments in technology are made every second, in order to stay competitive with other countries,

Digital India programme: It has been launched in 2015.

The programme has been enabled for several important government schemes, such as Bharat net, make in India, startup ¹India and stand up India.

The Stand Up India and Digital India programs.

Throughout this program digital payments have been introduced as a new mode of payment, and digital currencies are new forms of money. One example of this technology is cryptocurrencies; hence, in order to control this digital currency, new legislation pertaining to digital currency is required. However, as of right now, there is no legislation governing virtual currency. Despite this, there are numerous offenses that need to be prevented, such as financing of terrorism, for which there are no appropriate regulations.

Let's understand what was the effect of digitization on courts of India?

Let's examine: what impact did digitization have on India's courts?

The e - courts mission mode project has been initiated by the Indian government to computerize the district and subordinate courts. The goal of this project is to use technology to increase access to justice. There are two stages to this project:

Phase 1 of the E - courts Integrated Mission Mode Project was carried out between 2011 and 2015.

Phase 2 of the E - courts Integrated Mission Mode Project was initiated in 2015 and is currently operational.

In order for it to be implemented in every district in India, a strong network must be established for this reason, and each district's network will.

Network improvisation: In India, there are a lot of areas with poor connectivity. If it is to be implemented in every district in India, a strong network must be set up for this purpose; if this is done, the district's network will naturally be strong and residents will have access to both a strong network and the internet. and even though those cases are in their native tongue, judge²s are able to comprehend them quite well. Language is no longer a barrier in the delivery of their decision (they get access of translating their language in any language with the help of internet).

1) * * Computer software released under a license that allows users to use, examine, modify, and distribute the program and its source code to anybody and for any purpose is known as open source software (OSS). This license is granted by the copyright holder. Open - source software can be created in a transparent, cooperative manner. Open source software powers the official Case Information System (CIS) website of the Supreme Court of India e - committee. NIC (National Informatics Center) developed

The Case Information System (CIS) official website of the e - committee, the Supreme Court of India, runs on open source software. Developed by the NIC (National

² E court mission mode project, available at <https://districts.ecourts.gov.in/nalanda/e-court-mission-mode-project>

¹Digital india programme , available at, <https://csc.gov.in/digitalIndia>

Informatics Center),

Case information system software is a giant move under the initiative of the committee to make the Indian judiciary more transparent and more litigant - friendly. The CIS versions are available for the district judiciary and the high court. Exclusively. The sum up of this idea is that the concerned party has access to look at the daily status of the case, to view the orders of the case, hear the status of his case, and see the progress of the case.

The National Judicial Data Grid (NJDG) was a monitoring tool to identify, manage, and reduce the pendency of cases.⁴

Virtual Court: Now days, courts allow the litigants to file the complaint electronically through e - filing and also pay the court's fees or fine online. virtual courts, aiming to eliminate the presence of lawyers in the court and adjudication of the case online.

The term "user - friendly software" refers to how simple it is to use the software. They provide software navigation so that we can use it, and Virtual Court has user - friendly features.

*Creating awareness is a necessary part with the help of digitization. Indian courts are aware of the public and how they can provide them justice in remote areas. Getting justice is so easy these days.

The Kerla High Court has been designated as the country's first paperless court. This means that lawsuits will be filed electronically in the Kerla High Court.⁵

A company called Do Not Pay launched a lawyer - based AI that works as an application on our mobile phones and helps us solve legal minor issues such as late fees, fines, and traffic tickets. It also helps the client give suggestions to the defendant about presenting themselves in court with the help of headphones, just like a human lawyer.

In the present scenario, there are many new jobs for lawyers because of AI, and that really needs to be explored. There are many law firms that help their clients with the help of AI. And one of the ways lawyers can help their clients is by using a term called legal analytics. Let's coming out let short out how legal analytics can help lawyers.

*Legal analytics: application of the data in a legal field is known as legal analytics. There is lots of big data present, and we have to mine that data around us and extract that data that is helpful for our case. For example, sometimes lawyers have to see autopsy reports, so they don't know the terms,

³ Oss ,available, <https://www.microsoft.com/en-in/industry/operation-business-support-systems/oss-bss#:~:text=What%20is%20OSS%3F,analyse%20and%20manage%20telecom%20networks>.

⁴ Njdg ,available , at <https://njdg.ecourts.gov.in/> Country's first e court, available at, <https://sarkaripariksha.com/current-affairs/kerala-high-court-declared-as-the-country-s-first-paperless-court/#:~:text=The%20Kerala%20High%20Court%20has,office%20projects%20were%20officially%20launched>.

⁵Do not pay , available at ,<https://en.wikipedia.org/wiki/DoNotPay>

but if we get to know some key points, we can easily compile that data and learn about the autopsy report that is helpful for the concerning case. That will ease our work, and we can save our time. It helps attorneys incorporate data into their decisions.

*Predictive data notice: with the help of relevant data lawyers can forecast the future of the concerned case. Many legal firms are using artificial intelligence for data mining in the process of legal analysis. With the help of past cases, they will predict the cases.

Crimes are rising due to digitization and how they can be tackled legally.

Cybercrime is defined as a crime in which technology is involved, like a computer or phone. It is used as a tool or as a medium for the crime.

Some types of cybercrime are:

Distributed denial of service (DDos) attacks: these offenses occur when someone intentionally makes an online service unavailable and takes the network down by overwhelming the traffic on that site from various sources.

Botnets: botnets are networks created by compromised computers that are controlled externally by remote hackers, who then send spam or attack other computers through these botnets.

Identity theft: in this offense, someone gains access to personal information that is present on the internet, and then they start to blackmail the concerned person.

Cyberstalking occurs when someone persistently follows or attempts to contact another person. after indication of disinterest in communication, but the person is not stopping his following or texting activities, and he also tries to inflict fear on that concerning person through the internet or social media platforms, which is termed cyber stalking.

The Indian penal code defines stalking as under Section 354d: (1) any man who follows a woman and contacts, or attempts to contact, such woman to foster personnel interaction repeatedly despite a clear indication of disinterest by such women; or Monitors the use by a woman of the internet, email, or any other form of electronic communication and commits the offense of stalking.

And its punishment is also provided in Section 354 (d), that is, whoever commits the offense of stalking shall be punished on the 1st conviction with imprisonment of either description for a term that may extend to three years and shall also be liable to a fine; on the 2nd conviction, he shall be punished with imprisonment that may extend to five years and shall also be liable to a fine.

[2]Child pornography: under this offense, creation, distribution, or possession of sexually explicit material

⁶ Online crimes , available at ,<https://www.drishitias.com/daily-updates/daily-news-analysis/cyber-crime-4>

involving minors is termed child pornography. It is an offense under the Information Technology Act 2000 and Indian Penal Code 1860, Section 67b of it. Act 2000 provides punishment for publishing or transmitting material depicting children in sexually explicit acts in electronic form. The punishment for violating this section on the first conviction is not less than five years and a fine up to 10 lakh rupees.

On subsequent convictions, the punishment can be extended up to seven years of imprisonment and a fine of up to ten lakh rupees.

In India, there is a special act for the protection of a child, the Protection of Children from Sexual Offences Act (2012).

That act was amended in 2019. The amended Posco Act is consistent with stringent action, such as the death penalty for aggravated sexual assault on children.

Online terrorist funding: under this offense, someone collects funds for a terrorist activity, and the amount collected is in the form of digital currency.

To stop this offense, India needs a proper law to regulate the digital currency. In relation to this, India held a session to counter terror funding [3], which was held on November 3, 2023, at the "no money for terror conference." Under this conference, it is discussed that every country has to identify and act against terror organizations.

India also has an act to counter terror funding, which is Section 40 of the Unlawful Activities (Prevention) Act, 1967. According to this act,

- 1) A person commits the offense of raising funds for a terrorist organization with the intention of furthering the activity of a terrorist organization. Invites another person to provide money or other property and intends that it should be used, or has reasonable cause to suspect that it might be used, for the purpose of terrorism; or receives money or other property and intends that it should be used, or has reasonable cause to suspect that it might be used, for the purpose of terrorism; or provides money or other property and knows, or has reasonable cause to suspect, that it would or might be used for the purposes of terrorism.
- 2) A person who commits the offense of raising funds for a terrorist organization under sub - section (1) shall be punishable with imprisonment for a term not exceeding fourteen years, with a fine, or with both.

2. Conclusion

If we are exploiting something, there are always two sides to a story. We need to be prepared to deal with the fallout from that. Digitization helps us perform better, but we must always remember that AI is a cold, impersonal tool when it

comes to case predictions. Additionally, as emotion plays a significant role in crime, AI might not have chosen the best choice, thus we must constantly Recall that technology is not our only source of dependence.

Since India lacks appropriate legislation to address emerging technology - related issues, we must enact laws targeting these crimes and educate the public about the issues.

A suitable statutory entity or agency that oversees topics pertaining to digital currency is also required. Additionally, an update is required for the computer emergency response team (CERT). periodically, as technological crime is constantly evolving. Consequences of digitization on the law Therefore, we must be prepared to handle any issue that may arise.

⁷ Ipc , section 354 (d)

⁸ Uapa, section 40

Posco , available at,
https://nhrc.nic.in/sites/default/files/10_PROTECTION%20OF%20CHILDREN%20-%20SEXUAL%20OFFENCES.pdf