USAGE OF INFORMATION AND COMMUNICATION TECHNOLOGY TOOLS IN COURTS AND ITS IMPLICATIONS: A CASE STUDY OF ISLAMABAD HIGH COURT

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ABSTRACT
This paper presents the usage of Information Communication Technology (ICT) tools in Islamabad High Court (IHC) and determine the applications of ICT tools in the court. ICT plays vital role in the court processes. It has been adopted all over the world to enhance the performance of judiciary. The analyses are based on the primary collected data through survey questionnaire from judges, lawyers, clients, IT operators and administrative staff. The findings of the study revealed that ICT tools have been uses, particularly, basic IT tools such as computers etc. are most commonly uses in the courts, however, it needs to use advance tools. Most of the respondents agreed that overall ICT tools have been adopted in the court. It is suggested for the IHC court to

increase the judge's ratio in the courts and bring judicial reforms in the system. The new findings and recommendations would be helpful for IHC.

KEYWORDS
ICT tools, IHC, Performance, Usage, High Court

INTRODUCTION

Information & Communication Technology refers to technological tools through which communications occurs (Contini & Cordella, 2004). Technology plays a principal role in current judicial work, both on and off the court. The modern judicial system is the pre-requisite for maintaining peace, prosperity and justice in the society (*Supreme Court of PakiStan*, 2015). The judiciary is the main formal arbitrator of the state. It has a constitutional mandate to promote justice through swift hearing of cases and speedy provision of justice, guided by the rule of law. Technological advancement and the internet have brought the world closer ever than before – e-world, and it have paved the way for human to advance in life. ICT is a mighty tool for the advancement of organizations, provision of services, as well as transition to e-government (M. D. Abubakar, 2019). Furthermore, the extensive use of ICT by diverse organizations all over the world may provide additional transparency, accountability, access to information, openness to government processes, enhance quality of communication, reduces cost, saves time and enhance the capacity of the workforce in organizations (Sarkar, 2012).

The United Nations permanent missions of Turkey, Mexico and Italy along with the Rule of Law Unit on behalf of UN Rule of Law Coordination Resource Group (ROLCRG) had organized a panel discussion on E-Justice in 2016, New York, sharing national experiences of governments in enhancing transparency, effectiveness and access to justice. This event provided an opportunity for Member states to share and exchange their experiences regarding e-justice strengthening the rule of law. In 2006, the United States courts decided to broadcast the proceedings on the internet with the aim to promote transparency. They considered that such type of information i.e. trial proceedings and court records have always been public (Eltis, 2011). Courts in the Europe wants to target the use and development of ICT tools in the judicial system. As to enable the common citizens with a greater access to justice (Cusatelli & Giacalone, 2014). In Europe, the courts have adopted the ICT applications to support the

administration of justice (de Justícia Generalitat de Catalunya, 2011). The indicators shows that the availability of ICT in European courts systems for recording, case management, communications and exchange of information are the factors for effectiveness of justice (Chawinga, 2017).

Malaysia is the sole country that is far ahead in the adoption of technological tools in the courts processes. Malaysian courts have adopted the following ICTs tools in the judiciary; Integrated Court System (ICS), Case Management System (CSM), Queue Management System (QMS), integrated community and advocates portal (ICAP), audio and video-conferencing (*Audio Plan Appeals to Courts | The Star*, n.d.). Further, the e-filing application allows for electronic submission of court documents for the purpose of filing and registration using the Internet medium. The Malaysian Government, the judiciary and the legal practitioner had expressed their support to implement ICS, as they believed that ICT would help to enhance access to justice, reduces backlog of cases and to disposes timely justices (Hamin et al., 2010). The case management system is a software that manages all court cases through computer systems. The CMS application is adopted by High Court of Kuala Lumpur which allows the judges, registrars and other officials to experience a more efficient work (Administrator, 2010). Courts in Brazil have had accessible judicial information via online portals, as they moved from old tedious and traditional bureaucratic system to digital judicial system (Filho & Veronese, 2008).

In Nigeria, the ICT is a key to development to courts. Kenyan judiciary is well aware of the vital role of information technology in courts. As they have known that ICT has enormously boosted the capacity of the courts and enhance access to justice, transparency and accountability in the implementation of their constitutional mandate. The judicial service now plans to reduce the expenditures on external consultants and become self-sufficient in terms ICT development (Mbui, n.d.). The Indian government has taken the initiative to install the ICT in the court administration to make the system efficient and effective. Thus, the common man also has the access to courts information and thereby creates confidence over the court administration and justice disposition. They have computerized and interconnected all the High Court through NICs satellite based computer-communication base network. Simply, they have fully digitalized and updated the courts system (Seetharam & Chandrashekaran, 2016).

The judicial system of Pakistan is plagued with huge backlog of cases. Around 1.9 million of cases were pending in different courts of the country up to 31st January 2017, statistics released by Law and Justice Commission. The world justice report (2016) has put Pakistan at 81 spot out of 113 countries in criminal justice system. In the civil justice system, the same report put Pakistan even the worst ranked 106 out of 113 (*Neokokara, A. M. (2016*). The Chief Justice of Pakistan addressed that the new judicial year admitted that judiciary is still beset by problems of a backlog of cases on 11th September, 2017. He added that, our combined efforts is towards bring quality justice system and better provision. In this regard, Dr. Osama Siddique and Henry J. Steiner Visiting professor in Human Rights at Harvard Law School had presented a report on Lahore High Court. The study conducted by him identify that the court processes are slow and there is no fix time period for different of cases. Further, lack of court proceedings, relevant records, relevant laws and certainty of course of actions are also serious issues for litigants in Pakistan.

Recently, Pakistan judicial system has initiated to modernize the system. The first initiative was taken by Islamabad High Courts by introducing an online case management. A Singaporean consulting firm had prepared a report on Punjab Judiciary to study the system and generate the analysis. He suggested the CFM for the courts to accelerate the process. He further added that the SMS service will be launched soon which will keep the litigants updated about their cases (Mayo, 2017). According to the report by the IHC, Mobile applications have been launched by which the lawyers and litigants will get the updates about the cases and hearings on their cellular Phones. Further, the IHC has mentioned in their website that the court has introduced, CFMS, information & Copying desk, Electronic Case Alert Messaging System, Case Law Management system and E-Affidavit. Though, it is a positive step towards the modernization of the courts processes, however, the system needs restructuring its course of action (E-Judiciary, 2020).

Judicial system of Pakistan has been struggling with a huge backlog of cases owing to slow court processes and inefficient case flow management system. Almost 2 million of cases are pending in all high courts of Pakistan and 15,847 cases are pending in Islamabad High Courts only up to 2020. Despite of partially installations of ICT tools, the Islamabad High Court is still inefficient in case management system and provision of justice to the citizens. Information

and communication technologies is the solely solution to enable our judicial system more efficient and effective. This study has tried to determine the applications of ICT tools in IHC and its implications.

METHODOLOGY

Research Methodology refers, "the general approach that researcher takes in carrying out the entire study. The study has been adopted the quantitative research approach in the study it involves primary research data collected from Islamabad High Court. The survey questionnaire allows questions to be asked on various factors by which selected sample strata such as, judges, lawyers, clients, administrative staff and IT operators expected to be respond. The study sample size comprised of 300 respondents related with Islamabad High court. The data was collected primarily through structured questionnaire in hard form and unstructured interviews, the questionnaire was divided on four parts, part 1 was about the demographic data, part was about ICT tools, part 3 was about usage of ICT tools in IHC and the last part was regarding the implications of ICT tools. The primary data has been collected through survey questionnaire and descriptively analyzed through Statistical Package for Social Sciences (SPSS) version 22 tool. The SPSS is used to get the raw data in order to analyze and get findings. The analyses included descriptive analyses and cross tabulation, that shows the relationship between usage of ICT tools and court performance.

DATA ANALYSIS AND INTERPRETATION

DEMOGRAPHIC DATA

The questionnaire includes the demographic and general information about the respondents. The respondents consisted of IHC Judges, Lawyers, Administrative staff, IT operators and Clients. Data showed that all the respondents were qualified and educated. The age group was above 30 and below 60. The data showed that 83% respondents were male and 17% were female who actively participated in the survey.

USAGE OF ICT TOOLS

Table 1: Access to ICT resources as part of your work

ICT tools	Access%	Not access%
Computers/Laptops	92.0	8.0
Microphones	74.5	25.5
Internet	69.8	30.2
Cameras	34.2	65.8
Scanners	25.6	74.4
Printers	46.9	53.1
Biometric Technology	50.0	50.0
E-Filing	0.00	100
Others, Specify CFMS	0.00	100

The table above demonstrates that computers recorded the most accessible tool i.e. 92.0% respondents witnesses that computer is the most common tool as a part of working. While the second highest accessible tool has printers which 74.5% respondents followed by Biometric technology which is 50% and Printers access is 46.9%. However, internet which is most essential thing in the workplace merely access to 48.8%. Cameras access is 34.2%, Scanners, 25.6%. However, e-filing access is 0%. The data showed that these basic ICT tools are commonly uses in IHC. However, 100% responded that e-filing has not been accessible in the IHC.

Table 2: Uses of ICT tools in IHC

ICT tools	**Uses%**	**Not Uses%**
Computers/Laptops	92.3	7.7
Microphones	78.5	21.5
Internet	61.9	38.1
Cameras	52.0	48.0
Scanners	50.1	49.9
Printers	48.0	52.0
Biometric Technology	45.7	54.3
E-Filing	0.0	100
Others, Specify (ECM)	0.0	100

The data shows that computers recorded the highest level of usage in the IHC, i.e. 92.3% while the usage of printers recorded the second highest level with 78.5%. Internet usage is 61.9% and Biometric Technology is 45.7%. In addition, Scanners have a 50.1% usage and printers 48.0%. E-filing has a 0% usage in the IHC. It means that the advance tools such as e-filing, e-document and CFMS have no usage in IHC. While the basic technological tools have been uses in the courts.

Table 3: ICT tools effective usage in IHC

ICT tools	Effective Uses%	Not Effective Uses%
Computers/Laptops	80.6	19.4
Microphones	23.6	76.4
Internet	52.5	47.5
Cameras	46.7	53.3
Scanners	31.8	69.2
Printers	60.0%	40.0
Biometric Technology	29.0	71.0
E-Filing	0.0	100
Others, Specify E-Documentation	0.0	100

The table above shows that computers have the most effective usage i.e. 80.6% responded in the IHC followed by Printers which is 60.0%. While internet is 52.5% and cameras are 46.7% effectively uses. Scanners recorded 31.8% while Biometric Technology is 29.0% and microphone is effectively uses 23.6%. It is cleared from the data the in IHC only basic technologies often uses, however, it still lacks the advance technologies, such as e-filing and others tools E-Documentation have no effective and adequate use in the IHC.

Table 4: Relationships between usage of ICT tools and court performance

Pearson Chi-Square		
ICT tools	Value	Asymp. Sig.
Computers/Laptops	13.134	.003
Microphones	1.403	.091

Internet	2.476	.002
Cameras	2.873	.346
Scanners	15.362	.408
Printers	4.401	.004
Biometric Technology	3.864	.241
E-Filing	9.142	.332

In above table, a cross tabulation was done to determine the relationship between the usage of ICT tools and the judiciary. We have noted that all the results were at 5% significant level. The result from the Pearson Chi-Square tests shows that the significant (p) value for the computers was .003 which is less than p value of 0.05. It shows that there is a relationship between the usage of computers and judiciary. Followed by the p value for Microphones is .091, for internet .002 and for printers .004 which are significant and for cameras .346, for scanners .408, for bio-metric technology .241, and for e-filing the p value is .332 which is greater than significant (p) value .05. It shows that there is a weak relationship between these ICT tools and the judiciary. These are the basic technology and ICT tools that have been uses in the courts.

Table 5: Statements regarding usage of ICT tools and its implications

Statements regarding usage of ICT tools	SA	A	N	DA	SDA
ICT tools uses in Islamabad High Courts	40.0	51.7	8.3	0.0	0.0
Accessibility of ICT tools in IHC	20.0	58.3	15.0	6.0	0.0
Staff in the IHC has embraced the use of ICT tools	11.7	78.3	8.3	1.7	0.0
Members of the public and litigants are served using the ICT resources	5.0	65.0	28.3	1.7	0.0
IHC has the capacity to adopt the ICT resources	6.7	41.7	46.7	5.0	0.0
Staff in the IHC is familiar with the usage of ICT tools	6.7	53.3	28.3	10.0	1.7
Judges have no problem over the adoption of ICT tools in IHC	1.7	46.7	28.3	16.7	6.7

Judges and lawyers are agreed with the utilization of ICT tools	5.0	45.0	31.7	18.3	0.0
Enhanced performance of the IHC	10.0	38.3	25.0	26.7	0.0
Reduced backlog of cases	5.0	50.0	23.3	20.0	1.7
Improved in conclusion of cases and delivery of judgments	5.0	48.3	26.7	16.7	3.3
Have improved efficiency in the filing system and retrieving of files in IHC	6.3	63.7	20.0	1.7	8.3
Helped the IHC staff to work faster and easier	10.0	38.3	25.0	26.7	0.0
Increased confidence in the public	6.3	33.7	40.0	20.0	0.0
Enabled making of better presentation in IHC courtroom	8.3	61.7	6.7	23.3	0.0
Improved security and administration of justice	8.1	55.9	18.4	11.6	0.0
Improved CFM	10.0	35.0	26.7	23.3	5.0

DISCUSSION

The legal system was once to be known as a paper based industry and depend upon the carrying of information from one party to another. This study agrees with the findings that the judicial staff and lawyers now use IT tools in their work. In table, 5 and 6 computers and internet as well as other resources have shown the most available and accessible tools by the legal system. In the past, the only land communicable tools and paper were used, however, the last ten years have witnessed the introduction of basic IT tools in the judiciary. Resultantly, it has succeeded in the reducing of time and lengthy waiting. Additionally, it has solved the problems of communication within the courts and with other parties as well. The study observed and noted that the judicial staff uses laptops and computers more than the others, however, they still feel hesitations and the IT operators uses all applications except few advance technology. The judicial staff lacks the IT knowledge, therefore they aren't ready to use the ICT tools.

Generally, from the findings in the study there is a need of awareness in the legal system particularly, judicial staff and legal practitioners as well they needed proper training in order to facilitate themselves by the usage of ICT tools. For example, one of the largest databases in the world is Information

retrieval (IR) system, is designed to retrieve any documents or information required by the user community. Further, in the past as most the work was done manually which took lengthy time, however, now with the usage of ICT tools to some extent court is efficient and effective. Furthermore, the ICT tools have brought a tremendous change overall in the judicial performance and justice disposition in the past few years. But if we look at the pending cases, which is almost 1.9 million, maybe it's the other reasons such as lack of the judge's positions in the courts or overall courts judicial and other administrative staff or may be status quo. As despite of ICT tools induction in the courts, millions of cases are pending and delays, thus along with ICT tools there are other things which becomes a reasons of pending cases and lengthy processes.

It has been observed and noted that the reasons of delaying and pending cases is not only the lack of ICT applications, however, the ratio of judges is very low, as there is one judge for 0.3 million people, and it is a huge difference in ratio, secondly according to lawyers and judges most of the cases are complicated, and due to lacking of evidence, resultantly, it become late. However, the ICT application overall reduces the time of cases filing processes and to some extent enhance the capacity of judiciary in justice delivery but due to other reasons cases have been delayed and pending.

CONCLUSION

ICT has a significant role in all fields and departments ranges from industries to judiciary. The uses of ICTs in the judicial system have tremendously increased. It has made the workflow easier for human resource working in an organization. It has remarkably increased the capacity of human in the working environment. Usage of ICT tools has transformed the judicial system across the globe. Developed countries have adopted and embraced ICT tools in courts procedures to make the system efficient and effective. In developing countries the ICTs has been adopted by the judicial system in order to enhance the efficiency of justice system. In Pakistan, judicial system is marked with backlog of cases, delays dispensation of justice and lengthy courts processes. However, courts have partially adopted the ICT to ensure efficient justice system. This study has considered, analyzed, reviewed and discussed the usage of ICT tools in Islamabad High court. The study discovered that ICT tools are used and adopted, but it needs few recommendations.

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