



## **Electronic Filing System, Virtual Courts & Online Dispute Resolution -Need of the Hour for Pakistan Legal System**

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### **Abstract:**

This paper addresses the impact that the ongoing coronavirus (COVID-19) pandemic situation is having upon the ability for courts and tribunals to conduct hearings, and the measures that may be deployed in order to ensure that disputes continue to be dealt with fairly, effectively and as expeditiously as possible.

The ongoing situation has compelled both courts and arbitral tribunals to hold virtual hearings, to a far greater extent than has ever been experienced before. As a result, the general level of exposure to E-filing of documents and videoconferencing technology will lead to a greater level of understanding of and competence in the use of such technology amongst judges, counsel and parties. Whilst we must all hope that the impact of COVID-19 on the vulnerable, elderly as well as businesses all over the world is minimized, it seems inevitable that there will be greater use of video hearings and the online aspects of dispute resolution not just during the course of the stringent 'lockdown' situation currently being experienced around the world but also, possibly, thereafter.

Zafar Iqbal Kalanauri, Arbitrator, Mediator, Master Trainer, Advocate Supreme Court of Pakistan, White Collar Crime Investigator, Adjunct Faculty of Law at SAHSOL, Lahore University of Management Sciences (LUMS) & Law College University of Punjab, SAF Centre, #3 3rd Floor, 8-Fane Road Lahore 54000, Pakistan. E-judiciary shall be a new step towards modernization in legal system of Pakistan. Information and communication technology in the court structure of Pakistan, have virtually established a new approach of modernizing the judicial system. The use and an overall review of administration development achieved in the justice system with reference to artificial intelligence, are going to be considered in sentencing process. In this regard, some of the innovative study such as video conferences from jail to court room and from court room to witnesses shall be discussed.

This paper sights a short history of IT introduction and its challenges in the legal system, advancement in the virtual courtroom, and security concerns that may arise as a consequence of these new enabling technologies. The impact of technology with reference to continuing legal education and training field, shall be discussed. The paper aims to follow three different groups of study including computerization in past, its present stage and ways of its evolution in the future. Finally, scientific experiential analysis will focus on how the computerization in judiciary being an effective tool, will limit and reduce the delay of cases.

## Introduction

World's adoption towards the information society is changing the Global Legal System. The regular use of IT has become a routine practice by most of the lawyers, judges and legal administrators, and leads to the progress of new technology even in the courtroom which is considered as the last support to an outdated legal practices.

Legal professionals and court administrators despite of determined efforts, are still facing lawyers and litigants bodies who oppose the use of new technology even in the developed countries like USA, UK and Australia. Therefore, it is the only reason in the slow development of the universal adoption of Alternative Dispute Resolution (ADR) in countries like Pakistan.

On contrary to Alternate Dispute Resolution (ADR) and Online Dispute Resolution (ODR) assistance in litigation, traditional litigation has the advantage of providing all types of

trials from simple to long complex multi-party case with many years in civil courts.

Cases conducted in different jurisdictions with large number of papers and multi parties may become more complicated or lengthy until the litigants become confident with ADR system. It will be requisite to have computing capability with new levels of accompanying services for the disputes of global online litigants where they approach ODR or traditional litigation methods.

The ADR is under development progress so a rapid series of facilities should be offered to the lawyers, government departments and traders on e-commerce sites who are involved in multi-jurisdiction disputes and are willing to follow the ODR instead of traditional litigation. These services may comprise of exchanging simple complaint and answer ranging from artificial intelligence and blind bidding system to the virtual trial which is proficient to support in bulk documentation, parties with remote location and refined graphic practice.



## Background

Since the establishment of Pakistan, the population rate not only grown but also led to increased number of back-log pending cases that overburdened the judiciary from every aspects. The ratio of work load to judges and common man reaches to 10.5 judges per million population. The increase of unresolved cases especially in district and high courts has been of great concern. Based on surveys of some jurists and judges, another 320 years are required to clear out these pending trails and to reduce this time period within the bound period for disposing the pending cases is of principal importance.

In Pakistan, the county should take serious and an inclusive notice of entire legal system with special consideration to deal the back-log problems as disappointment with judicial system has resulted into more number of Jigra or Kangaroo courts. Poor attention has been paid to resolve these problems that intern caused the damage to the rights of litigants and weakened the credibility and basis of democratic order and judiciary system.

The judges should be responsible both for the disputes and administrative affairs of the court, and have to act as a good administrator and manager to handle the judiciary work in a given time period. The absence of good administrative capabilities created a poor situation for managing the legal resource that resulted into bad productivity and quality of judicial system.

## Need for a New Look?

Today every department of life has influenced by electronic or e-governance with enhanced

productivity, transparency and reduced administrative red tape and corruption. Development in the field of information technology has made a turning point in the history of human civilization and every walk of life with enhanced efficacy. The supportive application of information technology combined with justice administration, added alarming opinions for the last two or three decades in the western countries.

Human and technology elements are important factors to cause change in all domains of life. Proper use of the technology brings remarkable changes for speedy delivery mechanism of justice with assured quality, transparency and public accountability.

Firstly, technology at Supreme Court level was obligated into services and then the online hearing was applied for the speedy disposing of the cases. In 2019, the Supreme Court of Pakistan successfully launched and started the E-court system for the first time in the judicial history of Pakistan for hearing of cases through video-linked connectivity.

The principal seat for the proceedings of cases through e-court system were initiated at Islamabad, Supreme Court Branch Registry Karachi and Lahore. The advocates argued for the cases through video link that were fixed for hearing at these branches including Quetta. The cases were heard and decided by the Honorable Bench at Principal Seat Islamabad where the project was confined to Murder Appeals after few months.

The Pakistan courts are not new to computers as one low end computer for caveat matching was installed in Supreme Court of Pakistan towards the end of 1995. Soon after, court

computerization process began in Sindh and Lahore High Court. A couple of years ago, all the courts in Punjab were computerized at Tehsil and District level with complete automation of maintaining data filing, disposal of cases, judgment writings, and award of certified copy. In some districts of Punjab, digital production of under trial prisoners was made through video conference including meetings of children and Guardianship being in custody in Lahore. For this purpose, judiciary websites and cause lists of courts from all major cities including Islamabad, Lahore, Sindh, Peshawar, and Quetta are made available online prior to and after case proceedings. There are also available some Law Search engines in the country for legal guidance concerning e-court system.

Barristers and Judges in UK prefer to provide the wig and gown as an existing way of justice to have an approach towards virtual trial or paper free court. In order to have a computerized legal system, computerizing of the courtroom becomes critical as according to Professor Frederick I Lederer who wrote in 1997 as follows;

*'The Courtroom is a place of adjudication, but it is also an information hub. Outside information is assembled, sorted and brought into the courtroom for presentation. Once presented, various theories of interpretation are argued to the fact finder who then analyses the data according to prescribed rules (determined by the Judge through research, analysis and interpretation) and determines a verdict and result. That result, often with collateral consequences is then transmitted throughout the legal system as necessary. The courtroom is thus the Centre of a complex*

*system of information exchange and management. Ultimately, because lawyers and judges deal continuously with 'data', high technology courtrooms exist and virtual courtrooms are possible. [1]*

Trial or hearing which is decided by a Judge or Jury, considered as a dispute between two or more parties with arguments usually followed by counsel that presents the evidence to prove the facts in arguments. Witnesses are listened and studied by their behavior. Physical items including photographs, plans, schedules and video evidenced are considered as physical items. The use of IT can support most of these legal processes.

## The Court and IT

The use of live evidence as video link became a routine in case of vulnerable witnesses in countries like UK, Australia, Singapore and USA. Evidences served on disk rather than hard copy is more considered in civil and criminal litigation dealing with more complex court cases. Every litigation member has different infrastructure that yielded strange hybrid of preparing evidence both in hard copies in the form of paper distributed to all parties and soft copies on disks being circulated and annotated to counsel and judges.

Many jurisdictions have initiated a considerable move towards the technology application in the courts. Senior Judge Lord Justice Brooke traced the technology progress towards modernization from 1992 till present to the Court 21 at Leeds University UK. High profile cases such as Kevin and Ian Maxwell have been facilitated with ad hoc use of electronic presentation. The Crown Court Program known as CTMP has expended the

use of electronic presentation by cabling the Pilot Courts for the purpose of Electronic Presentation of Evidence (EPE), digital audio recording (DAR), video conferencing and electronic delivery of the trial progress. There has been success in the virtual plea and direction hearing of the trial and the most recent development in civil cases was the launching of an e-filing project called 'money claims online' (MCOLO) in February 2002.

The United States does not follow the joint system of Court administration so the progress is based on many local factors. Now it has become conventional to have electronic filing of evidence, file management, legal briefs creation through multimedia, and electronic recording of the court. The Judicial Conference Committee on Technology Automation was released in 1998 with the assessment results of certain technologies that were used in some federal courts. Of these data results, video evidence helped 83% of judges in managing better court proceedings and 90% of Jurors in observing the evidence clearly and monitoring the attorney presentations[2]. A number of Lab Trials has been implemented with remote witness testimony.

For an in-person hearing, all arbitrators, parties and witnesses all are required to travel as it is common in arbitrations or international arbitrations to be based in different countries. Therefore, it can be a difficult issue to be available in multi-person tribunals. Nevertheless, most of the major arbitration institutions follow the arbitration rules by providing open possibilities for the use of technology to deal the matters remotely such as video and telephone hearings. In dispute resolution, video hearing is not an entirely new feature as provided in following article 22 of

ICC Arbitration Rules 2017:

*111 The arbitral tribunal and the parties shall make every effort to conduct the arbitration in an expeditious and cost-effective manner, having regard to the complexity and value of the dispute. [3]*

*2 In order to ensure effective case management, the arbitral tribunal, after consulting the parties, may adopt such procedural measures as it considers appropriate, provided that they are not contrary to any agreement of the parties". [4]*

Therefore, to conduct efficient arbitrations and appropriate procedural measurements for further possible cause, both parties and tribunal are required to make efforts as provided in following Article 24 of the ICC Arbitration Rules 2017:

*111 When drawing up the Terms of Reference or as soon as possible thereafter, the arbitral tribunal shall convene a case management conference to consult the parties on procedural measures that may be adopted pursuant to Article 22(2). Such measures may include one or more of the case management techniques described in Appendix IV .*

*3 To ensure continued effective case management, the arbitral tribunal, after consulting the parties by means of a further case management conference or otherwise, may adopt further procedural measures or modify the procedural timetable.*

*4 Case management conferences may be conducted through a meeting in person or videoconference, telephone or similar means of communication. In the absence of an*

*agreement of the parties, the arbitral tribunal shall determine the means by which the conference will be conducted. The arbitral tribunal may request the parties to submit case management proposals in advance of a case management conference and may request the attendance at any case management conference of the parties in person or through an internal representative". [5]*

Therefore, an ICC tribunal can use video conference for conducting a case management conference and determining indications without party agreement. However in practice, both tribunals and parties should consult with each other for such matters as provided in Appendix IV of Article 21(1) of the ICC Arbitration Rules 2017 that concerns with 'case management techniques' as follows:

*"The following are examples of case management techniques that can be used by the arbitral tribunal and the parties for controlling time and cost. Appropriate control of time and cost is important in all cases. In cases of low complexity and low value, it is particularly important to ensure that time and costs are proportionate to what is at stake in the dispute.*

*... j) Using telephone or video conferencing for procedural and other hearings where attendance in person is not essential and use of IT that enables online communication among the parties, the arbitral tribunal and the Secretariat of the Court". (Emphasis added)*

Therefore, an ICC tribunal can hold both 'case management conference and other hearings without in person attendance. Due to current

situation of COVID-19 outbreak, restrictions are followed on gathering and travelling across the world so therefore, tribunals and parties should understand that it is unauthoritative for any reason to be in person attendance. Even though in practice, hearings with live witness examination are also dealt without in person attendance.

## **Temporary COVID-19 Protocol-English Civil Courts**

A temporary COVID-19 Protocol was issued on 22 March 2020 by the English courts, 'inter alia' as practical guidance for remote hearings by the parties and courts. Additional guidance amenable with open justice principles, is also provided on how to hold the hearings in practice. This protocol lists can be obtained from the White Book, Volume 1 Section AA and also online on the judiciary website [6].

There is considerable increase in conduction of English Court hearings through telephone or video link. Such hearings can be observed by public or press member by contacting the court authorities for indicating fundamental importance associated to open justice system.

## **Practical Aspects of Video Hearing**

Hearings can be more effective by the use of technology like document viewing software that finds the relevant passage amongst thousands of documents with multiple hard copies by pressing just a button and displaying those passage on the screen of court counsels, parties and witnesses simultaneously.

Additionally, many hearings are assisted with the help of real time transcripts and recordings

of proceedings. However, the technology if used ineffectively has the potential to cause procedural unfairness that may lead to obscure the matter of a hearing. Such as PowerPoint presentations can simplify the bulk submissions and voluminous materials but it also has the potential of duplicating the hearing material for tribunal review and understanding. Similarly, it is difficult to ensure the access of relevant technology and the availability of sufficient internet connection to everyone participating in a hearing regardless of their physical location. Another concern being raised is the secure and confidential internet connection for the video based communication that should therefore be addressed by service providers in precise.

The most common area in arbitration (including English courts) where videoconferencing has been arranged, include cross-examination of live witnesses and hearing of evidence-in-chief.

One example of the procedural imbalance was observed in hearing where an argument was rejected on the basis of evidences that were provided both in person from one party's witnesses and in the form of video link from counterparty's witnesses as in following Teare J held (at paragraph 16): [7]

*"16. In any event, there is the possibility of evidence being given by video link. It seems that is not possible in the Sudan, but would be possible elsewhere; Dubai has been mentioned. No doubt that would take - I think it is said in the skeleton argument - two days and involve expense, but that expense it seems to me would be well within the means of the defendants who have purchased as I say this cargo for \$18 million. Finally I should say in relation to the video link Mr Buckingham*

*suggested that there would be an imbalance between witnesses who have to give evidence by video link and witnesses who give evidence in person. I am not persuaded that there is such a risk. Perhaps in the early days of video link when the quality of the video link was poor and it was a novelty, perhaps that might have been said, but these days I do not consider that that can be said".*

However, the evidence provided in the form of video link was aimed to provide procedural fairness as a substitute if evidence cannot be tested adequately. The purpose of videoconferencing method should be to satisfy the court or tribunal parties about the witness being not trained or provoked by other material or any person.

Furthermore, the effectiveness either of the witness's evidence or the ability of counsel to examine or cross-examine can be undermined by a poor or intermittent Internet connection at either end. There are many examples of English court judgments where judges have felt compelled to make a note of unsatisfactory videoconferencing. For example:

In *Jiangsu Shagang Group Co Ltd v Loki Owing Company Ltd* [2018] EWHC 330 (Comm), Carr J, discussing the underlying arbitration proceedings, noted (at paragraph 15) as follows:

*"15 .... The hearing spanned a week in July 2016 during the course of which Mr Shen Wen Ming ("SWM") alone gave oral evidence for JSG via (an unsatisfactory) video link from the PRC (and with the aid of an interpreter). SWM was at all material times the Vice President of JSG and also a director of Shagang".* [8]

In *PEC Ltd v Asia Golden Rice Company Ltd*

[2014] EWHC 1583 (Comm), Andrew Smith J held (at paragraph 34) as follows:

*"34 .... However, it is less clear whether anyone other than Mr Narang gave approval: Mr Mirchandani's evidence about this was not assisted because the video-link to India broke down while he was being cross-examined about this. I conclude on balance that Mr Mirchandani probably did not give approval in advance ... ". [9]*

Through E-Court Service Center a civil lawyer is electronically allocated to the litigant when he/she brings all the relevant documentary evidence to the center. Once lawyer is identified then he/she files the case according to the predefined procedure. Once the process of filing case is completed the web crawler at e-Court web services is used to track down the land registry record of prosecuting and defendant parties from federal and provincial land records. Moreover, if required it collects data of concerns parties from various databases which includes records from other courts, from different tax services, from criminal databases, from transaction history carried out through banking channels and many other records which can be utilize for effective court proceedings. As soon as the record is obtained from the relevant databases regarding the litigant and defendants it is presented to the judicial officer in the form of certified documentary evidence for case. The judicial officer will use these evidences for examining and cross examining the witnesses and this will ultimately lead to quick outcome of the case.

## Implementation Strategy for Pakistan

One of the important reason to support the implementation of Electronic Filing System

(EFS) in Pakistan is that, with the availability of EFS the litigant the law firms (LFs), and lawyers will have convenience of submitting their relevant documents easily online. Once the said system is implemented successfully it will not only ease the process but will expedite the process of document submission to court. This is will further reduce the hassle for people involved in a case. In addition to all the advantages listed above, the EFS will also act as storage of documents for litigant and defendant this will not only minimize the chances of misplacement of record, but will also provide opportunity for the associated parties to simultaneously view the record.

The EFS will be capable of routing the documents to the relevant staff member of registry department so that documents can be further processed. Moreover, the intended new EFS will allow routing of documents to the court as per requirement; this includes approvals sent from Duty registrar to Registry staff and sending back reply to LF who has originated the case.

With the successful implementation of EFS the deficiencies in the current manual system would be highlighted which will be mainly linked with the reduction in the process time of case and will also help in finishing flow of paper to great extent. Another feature that should be incorporated in EFS is online fee deduction; which is required to be paid by the Law firms for submitting documents to the court. With automatic payment deduction the process of filing documents will be rapid, smooth and efficient.

The system should be able to show LFs next case hearing date, the documents which are submitted by LFs, documents provided to them by related parties which include the opponent

parties and court. In addition to this, the system will be capable of providing document service to other Law Firm as well. The newly implemented system will be able to show updated and accurate information regarding a case. Therefore, the EFS will be a source of rapid inspection of the submitted documents and getting the relevant extract of the document just by making few clicks online. The relevant material like books and other documents related to legal research will be available electronically too. Furthermore, when the hearing dates are finalized lawyers will get its confirmation through Short Message System (SMS).

Apart from all the functionalities stated above, the functionality of EFS for registrar will be to give him/her privilege to electronically conduct hearing of cases from chamber.

### **The Components of EFS**

The new Electronic Filing System will comprise of the following listed components:

- There will be one Front End of the system which will be accessible by all the registered lawyers and LFs using internet.
- The system will have one gateway; the purpose of this gateway will be to collect the relevant documents from the concerning parties and to deliver the court documents to the relevant concerning parties. In addition to movement of the document the function of the gateway will be to compute the payable fee for filing of documents, and deduct it automatically.
- Court Workflow: this application will be used for the internal movement of the documents. These systems will be only

available on Computers that are fixed in courts.

- There will be one hearing module, which will be used to conduct online hearing of the cases.
- A stand-alone Key Management System (KMS); this will be used for the issuance of the digital certificates to the registered law firms and lawyers.

### **Front End Application**

The Front-End application of the EFS will be a web application which can be accessed and operated by registered lawyers and Lawyer firms through their personal computer or mobile browser application. Once, the lawyers and LFs are registered; smart card will be issued against their name which they can obtain from their relevant courts. These smart cards will comprise of the digital certificates which shall be issued by Court Certification Authority. With the help of Front-End application, the LFs will be able to see the documents which they have to submit, the documents which have been served on them and any reply or documents issued by court for the relevant cases. Moreover, it will have schedule the upcoming hearing which can be witnessed from the Electronic Filing System installed at Law firms. And this will be visible at every case level. The Front-End of the system will be equipped with File and serve system, this feature will be used to serve documents on other parties by just making few clicks.

The format that will be using for serving the document will be Portable Document Format (PDF). In order to serve a document or file a document on other part there will be an online

template available on the Front End of the system, the law firms would be required to fill those template and then will send it to the party insuring that the document sent is in PDF form. The submission of documents can vary from a single document to multiple documents, and every document needs to be signed digitally using the smart cards which were issued to the lawyers and LF initially by court. The significance of submitting digitally signed document is to ensure authenticity of the document and to avoid non-repudiation.

## The Gateway

The Gateway act as an intermediary system where the submissions are check by running some validations in order to ensure that the valid document is submitted by the LF. Once, the validation process is successfully completed then comes the feature of calculating the fee for the document submission and once this all is done the relevant department is identified and document(s) will be sent to it. Moreover, the responses which are received from the court are then redirected to LF and lawyers. The Gateway will be able to perform the following functions.

- (a) An automated process for validating submitted documents.
- (b) Execution of important rules.
- (c) Automate document routing process in Courts.
- (d) Calculation of stamp and document filing fee.
- (e) To effective transfer information from back End to Front end and vice versa.

## Court's Workflow Application

The work process of court should be incorporated in the EFS. The system should have a workflow of routing the documents from LFs to parties and from parties to the Courts. The system should be able to manage the submitted documents and should be able to generate reports based on the statistics. The new system will store the documents in form of jukebox. Moreover, the new system will have feature of showing electronic file, which can be used for easy retrieval of data, upcoming hearing schedule and any other development related to case should be part of this system.

## Hearing Module

One of the important modules of EFS will be Hearing Module; this feature will be designed to facilitate job of registrars and Judges to conduct hearing in their respective chambers which would be paperless. This module of the system will be installed on a desktop located in chamber of Judges and registrar. The Hearing module will comprise of two screen one first screen the judge will be able to see complete case file of hearings which have been fixed earlier by registrar and the second screen will be used to list all the documents related to case. In addition to all this, there will be a feature of downloading the complete case documents so that respective judge and registrar can download all the case related documents and read the case at home.

## Key Management System

As discussed earlier that each LF and lawyer will be issued digital certificates to sign digital certificate in this regard courts will act as an independent certification Authority. The role

of this Key Management system will be as follow:

- (a) The role of this system will be to generate or cancel an already issued digital certificate.
- (b) It should be linked to a central database which will have record of all issued certificates.
- (c) This system should comprise of web-based portal which will allow LFs and lawyers to request and receive the smart cards and digital signature.
- (e) This web-based portal will allow LFs to generate their independent private-public key for sharing of information.

## Web Information Service

The Web information service should be developed as all in one system which would comprise of network of multiple electronic services for the legal sector of Pakistan. In order to cover major portion of legal practices the web Information system will have at least following 6 modules:

- Litigation
- Conveyancing
- Corporate Law
- Intellectual Property
- Legal Research
- Integrated Law Office.

A Judicial Administration computerization program, constituting of wide range of network infrastructure facility should be implemented to facilitate multiple applications and link of system with external systems. For paperless communication an Electronic bulletin should be setup so that the important announcement/messages could be conveyed.

Technology court should be established; these courts will be fully equipped with all the technology aspects required for court proceeding like availability of multimedia, facility for digital recording and availability of paperless record. For the effective discussion of ex parte matter, the system should be equipped with remote chamber where people from legal experts can raise their concern through video conferencing. In addition to all this a Judicial Officer's bulletin board should also be incorporated in this system just as another step towards paperless environment in court system.

As per the proposal submitted to Court's IT committee; the main feature of this EFS will be promotion of paperless environment within courts of Pakistan. The new system will enable LFs to electronically submit their case relevant documents to court and vice versa. The EFS will also allow them to see schedule for upcoming hearings. It is expected that upcoming system will also have a feature of providing document services to LFs. This will allow processing of documents for showing the comprehensive information services.

## E- Filing Portal

For filing documents electronically to court the services of E-filing portal will be undertaken. This storing and filing of documents should be carefully dealt by carrying out proper legislation for transfer of information in this regard the upper courts like high court and supreme courts should define standard rules. The fundamental purpose of E-filing and E-recording should be to store data and retrieve data to and from the system by just entering the valid credentials. The system will have an additional feature which can be used for submitting documents to recorder to clerks.

## **Electronic Filing/Electronic Process Applications E-Filing Application - RTF and PDF**

For formally submitting documents to E-filing system the following file format should be ensured

- Any document which contains electronic receipt and needs to be stored shall be stored in .PDF format.
- The E-filed report should have a information regarding the pre-formatted cover sheet which was earlier used for case proceedings.

### **Mark-up Language (.XML)**

- The purpose of this document will have an alternative for eradicating the paper file submissions.
- To facilitate the system which uses the third-party applications.
- For every submission there is generally a category which ranges from moderate to high complexity

### **E-Process Application - RTF and PDF**

Its in general an application for introducing the following features which:

- A system which still works with the printed version of the email document utilized in case file.
- A system which can be used for providing the information to entities who are not linked to court or case directly.
- The cases which are generally categories as low complexity cases should generate System Review Checklist - RTF and PDF format.
- The purpose of this checklist is only to provide information regarding cases.
- The purpose of the checklist is to ensure

that all the required standards required for court cases are listed.

### **How to Use**

#### **General Instructions**

- In order to discourage the culture of email for filing a case, the lawyer must file their respective client's case using E-filing system website instead of using email.
- There is compulsion for the lawyers to submit the due record in either PDF format, doc format (which should facilitate reading of doc files which are linked with MS office 97 or later)
- Lawyers must submit, in addition to their briefs and petitions, any appendices.
- Court has started the E-filing facility. The stathe one bus of e-filed cases will be regularly updated on SMS and email address of concerned Advocate or party-in-person.
- It is notified that the facility of E-filing of urgent cases in High Court has been starred on E-filing portal developed by E-committee of Court. This portal is being used by court for E-filing. Link of e-filing portal is available on the web site of court in top bar on home page.
- E-filing of urgent cases shall be made in accordance with the Guidelines already issued for the purpose along with this office order No.        dated.
- E-filing portal will be directly integrated with online payment facility of court fees.
- Before e-filing, the Law Firms, Advocates or party in person shall be required to create his/her user account on the e-filing portal. Smart Cards shall be issued for said purpose. Detailed guidelines for user creation are available on the web site of Court.

- The Advocate account creation process shall be verified by one Time Password' which will be sent on Mobile Number and email address of concerned Advocate registered in the data base of court. Some advocates may have changed their mobile number or the registered email address may not be in use. To meet such situation, an option 'Advocate Details', is made available on the web site of court where the advocates can see their registered email address and mobile number.
- If any change in mobile number or email address is required, the advocates may send email for the same along with a copy of their Bar Council Enrolment certificate or Bar Association Identity card having Bar council enrolment number.

## Conclusion

The ongoing COVID-19 situation has compelled both courts and arbitral tribunals to hold virtual hearings, to a far greater extent than has ever been experienced before. As a result, the general level of exposure to videoconferencing technology will lead to a greater level of understanding of and competence in the use of such technology amongst Judges/arbitrators, counsel and parties. It seems inevitable that there will be greater use of video hearings and the online aspects of dispute resolution not just during the course of the stringent 'lockdown' situation currently being experienced around the world but also, possibly, thereafter. There is always an opportunity in every crisis and the need is the mother of invention.

Modern technology, allows courts to enhance the administration of justice, realize significant time saving, cost savings, and meet the justice

delivery system expectations of today's court participants. Numerous solutions are available to meet each court's unique needs, resource persons and funds are also available for implementation.

We'll have to develop a software and E-portal to achieve the goals mentioned above for which we have very competent IT experts available in Pakistan and it can be done in few weeks. The Supreme Court and High Court Rules have to be framed to cater to the needs of this technology. IT committees will have to be established to supervise and administer this system at all court levels. More importantly we'll have to impart training to Lawyers, Judges, Prosecutors, Court Administrators, Staff and Investigating agencies at the Judicial Academies, Law Schools and Bar Councils/Associations by way of continuing legal education. And also encourage and register service providers to help lawyers, who are not acquainted with computers to help them with E-filing. This new system can be introduced by way of pilots in a class of cases and then extended to other cases with requisite changes on the basis of experience gained. Room was not built in a day but was built alright.

The information technology has established a smooth path in the field of judiciary across the country. Following this, the right of equality and liberty with fair reasonable procedure have been guaranteed in the article 25 and 10 of the constitution respectively. Article 10A determines the civil rights and obligations against a person and he shall be entitled to a fair trial and due process if charged with any criminal activity.

Further development of artificial intelligence such as imposing of proper sentence in a

criminal case and rapid clearance of trials through appropriate use of software, are required to be reassessed.

Lawyer, distribution of law and judiciary along with disruptive and emerging electronic legal information (ELI), can become the basis of legal challenges. ELI may contribute as an integrated electronic civil procedure, substantive law, e-document filings or evidence and electronic information of court cases. It has the capability of transforming the present cornerstones to virtual presence by facing the high costs, delay and complexity challenges..

Soon everyone will be required to translate all legal texts into digital language understood by computers or similar systems. The law being constant is required to be understood in digital procedure for finding out the degree of deviation if present. The presence of too much deviation may lead to consider a person as deviant that intern needs proper rehabilitative steps or even penal actions are taken for constitutional purpose such as making rule of law as reality.

Adaption of ODR techniques to emerging technologies has eased the path to online resolution of disputes with increased number of complexities. It is essential to provide trusted operating solutions with secure environment for the disputes that are based on matters with extreme commercial sensitivity. Therefore, it is critical to have 'back office' and 'front office' technology functions with similar development such as the use of artificial intelligence and blind bidding by consumers and litigants who convinced to turn to ODR for their differences settlement.

The establishment of Virtual Courtroom with significant progress has led the ODR into critical stage where consumers and litigants trust this alternate from for resolving their disputes. This trust can be achieved by the association of global network and ODR community that will enable the online resolution of complex disputes through introduction of emerging technologies.

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- [6] <https://www.judiciary.uk/coronavirus-covid-19-advice-and-guidance/>
- [7] *Hanaro Shipping v Coffia Trading EWHC 4293 (Comm), Teare J. [2015]*
- [8] *Jiangsu Shagang Group Co Ltd v Loki Owing Company Ltd. EWHC 330 (Comm), Carr J, [2018]*
- [9] *PEC Ltd v Asia Golden Rice Company Ltd .EWHC 1583 (Comm), Andrew Smith J, [2014]*