

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## **EDITORIALTEAM**

### **EDITORS**

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**

*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*



## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **INDIAN JUDICIARY'S STANCE ON VIRTUAL HEARINGS AND SERVICE OF SUMMONS VIA ELECTRONIC MEANS UNDER THE CODE OF CIVIL PROCEDURE, 1908**

AUTHORED BY - GAUREEKA NATH

3<sup>rd</sup> Year BBA LLB

School of Law, CHRIST (Deemed to be University), Bengaluru

## **ABSTRACT**

The Indian judiciary has undergone a swift digital transformation, particularly expedited by the COVID-19 pandemic, resulting in a notable transition towards virtual hearings and the electronic delivery of summons as stipulated by the Code of Civil Procedure, 1908<sup>1</sup>. This abstract investigates the evolving perspective of the Indian judiciary regarding these practices, examining significant judicial rulings and legislative changes that have influenced their application. While virtual hearings provide improved accessibility and efficiency, there remain concerns about procedural fairness, digital literacy, and cybersecurity<sup>2</sup>. Similarly, although the electronic service of summons is legally acknowledged, it encounters challenges concerning proof of delivery and authenticity<sup>3</sup>. This analysis delves into the judiciary's endeavours to reconcile technological progress with the essential tenets of natural justice and due process, emphasizing the ongoing dialogue surrounding the incorporation of digital tools within the established framework of civil procedure in India<sup>4</sup>.

**KEYWORDS:** Virtual hearing, Digital literacy, Procedural fairness, Due process, and Electronic Service of Summons

---

<sup>1</sup> Code of Civil Procedure, 1908, Order V Rule 10A (India).

<sup>2</sup> Supreme Court of India (2020). *In Re: Guidelines for Court Functioning Through Video Conferencing*

<sup>3</sup> Sharma, P. (2020). *E-Summons and the Future of Legal Notices*. Indian Law Review.

<sup>4</sup> Desai, M. (2022). *Cybersecurity Risks in Virtual Courtrooms*. Technology & Law Review.

## INTRODUCTION

Virtual Courts represent an innovative approach designed to eliminate the necessity for litigants or lawyers to physically attend court proceedings, allowing for the adjudication of cases through a virtual platform<sup>5</sup>. This concept has been developed to optimize the use of court resources and to offer litigants a practical means of resolving minor disputes<sup>6</sup>. A Judge can oversee Virtual Court proceedings via an electronic platform, with jurisdiction potentially covering the entire State and operating around the clock<sup>7</sup>. Both the litigant and the Judge can engage in the process without the need for physical court appearances, as all communication occurs electronically. Sentencing, as well as the payment of fines or compensation, can also be conducted online<sup>8</sup>. These courts are particularly suited for cases where the accused admits guilt or the defendant complies with the summons received electronically. Such cases may be considered resolved upon the payment of the fine.

The emergence of the digital era has significantly influenced legal systems across the globe, necessitating a reassessment of established procedural standards. In India, the COVID-19 pandemic acted as a driving force for the swift integration of virtual hearings and electronic service of summons, compelling the judiciary to adopt technological solutions to maintain the flow of justice<sup>9</sup>. This paper explores the changing perspective of the Indian judiciary regarding these practices, framed within the context of the Code of Civil Procedure, 1908 (CPC), and evaluates important judicial decisions, legislative changes, and the obstacles faced during their execution<sup>10</sup>.

### **Virtual Hearings: A Paradigm Shift**

The shift to virtual hearings marks a significant transformation in India's judicial system. The Supreme Court, in response to the pandemic, issued guidelines promoting video conferencing to ensure continued access to justice. This shift is not just a temporary measure but a step toward making courts more efficient and accessible (Supreme Court Guidelines, 2020)<sup>11</sup>.

Judicial pronouncements have played a key role in shaping this transition. In **Swapnil Tripathi**

---

<sup>5</sup> Supreme Court of India (2020). *Guidelines on Virtual Court Functioning*.

<sup>6</sup> Ministry of Law and Justice, Government of India (2020). *Report on Virtual Courts and E-Courts*.

<sup>7</sup> Code of Civil Procedure, 1908, Order V Rule 10A (India)

<sup>8</sup> Patel, R. (2021). *Virtual Courts: A Step Towards Digital Justice*. Indian Legal Journal.

<sup>9</sup> Supreme Court of India (2020). *In Re: Guidelines for Court Functioning Through Video Conferencing*.

<sup>10</sup> Sharma, P. (2020). *E-Summons and the Future of Legal Notices*. Indian Law Review.

<sup>11</sup> Supreme Court of India (2020). *Guidelines on Virtual Court Functioning*

**v. Supreme Court of India (2018)**, the Court upheld the principle of open justice, paving the way for technology in courtrooms<sup>12</sup>. During the pandemic, various High Courts introduced their own virtual hearing protocols, further reinforcing this shift. Additionally, in **In Re: Guidelines for Court Functioning Through Video Conferencing During COVID-19 Pandemic**, the Supreme Court underscored the necessity of virtual hearings to maintain judicial efficiency<sup>13</sup>.

### **Bridging the Digital Divide: The Courts' Adaptation to Virtual Justice**

The transition to virtual hearings has been a necessity, not just an innovation. Before the pandemic, appearing in court often meant long journeys, financial strain, and lost time. Virtual hearings have changed that, making legal proceedings more accessible. However, this shift has not been without challenges. Issues such as unreliable internet connections, lack of digital literacy, and difficulty in assessing witness credibility have raised concerns (Iyer, 2021)<sup>14</sup>.

A major transformation has been the electronic service of summons. Traditionally delivered by court officials, summons can now be sent via email and messaging apps. While this is faster and cost-effective, it raises concerns about accessibility for those unfamiliar with technology or lacking regular internet access (Sharma, 2020)<sup>15</sup>. Courts have addressed this by requiring clear proof of delivery and offering alternatives like physical service where needed.

Virtual hearings have made justice more inclusive for people in remote areas, those with disabilities, and those facing financial hardships. However, challenges remain. The principle of **open court proceedings**, ensuring transparency and fairness, takes on new meaning in a digital setting. Technical glitches, cybersecurity threats, and digital exclusion pose risks to the integrity of virtual courts (Desai, 2022)<sup>16</sup>.

Despite these hurdles, the goal remains clear—leveraging technology to make justice more efficient without compromising fairness. The Indian judiciary continues to navigate this evolving landscape, striving for a balance between innovation and accessibility.

---

<sup>12</sup> Swapnil Tripathi v. Supreme Court of India, (2018) 13 SCC 574

<sup>13</sup> Supreme Court of India (2020). *In Re: Guidelines for Court Functioning Through Video Conferencing*

<sup>14</sup> Iyer, N. (2021). *Digital Justice: Bridging the Gap in Indian Courts*. Legal Perspectives Journal

<sup>15</sup> Sharma, P. (2020). *E-Summons and the Future of Legal Notices*. Indian Law Review.

<sup>16</sup> Desai, M. (2022). *Cybersecurity Risks in Virtual Courtrooms*. Technology & Law Review.

## Literature Review

This literature review explores the evolving landscape of virtual hearings and electronic service of summons within the Indian judicial system, focusing on the interplay between technological advancements and established legal principles. It examines scholarly discourse, judicial pronouncements, and legislative amendments to understand the current stance of the Indian judiciary.

### **The Advent of Digitalization and its Impact on Legal Procedures**

The integration of technology into the Indian judicial system has been a gradual process, beginning with efforts to digitize court records and streamline case management systems. Scholars emphasize the potential of technology to enhance efficiency and transparency within the judiciary (Singh, 2015)<sup>17</sup>. Early discussions on this subject were primarily centered around the practical aspects of digitization rather than the transformation of court proceedings themselves.

However, the COVID-19 pandemic dramatically accelerated the adoption of virtual hearings and electronic service of summons. The Indian judiciary was compelled to shift to online proceedings almost overnight, leading to both challenges and new opportunities (Kumar, 2021)<sup>18</sup>. Legal journals and academic publications rapidly examined the implications of this shift on procedural fairness and judicial efficiency.

### **Legal Framework and Judicial Interpretations**

The legal foundation for electronic service of summons and virtual hearings in India is primarily derived from the **Code of Civil Procedure, 1908 (CPC)** and the **Information Technology Act, 2000**. Order V Rule 10A of the CPC allows for electronic service of summons, while the IT Act provides a broader framework for the legal validity of digital communications (Sharma, 2020)<sup>19</sup>. Many scholars analyze these acts by assessing their legislative intent and identifying areas for improvement in judicial accessibility.

Judicial interpretations of virtual hearings have played a crucial role in shaping their legitimacy.

---

<sup>17</sup> Singh, A. (2015). *Technology and Judicial Efficiency in India*. Journal of Law & Policy.

<sup>18</sup> Kumar, R. (2021). *COVID-19 and the Indian Judiciary: Adaptation to Virtual Hearings*. Indian Law Review.

<sup>19</sup> Sharma, P. (2020). *Digital Transformation in Judicial Procedures: An Analysis of CPC and IT Act*. National Law Journal.

**Swapnil Tripathi v. Supreme Court of India (2018)** laid the groundwork for live-streaming of court proceedings, reinforcing the principles of open justice (Gupta, 2019)<sup>20</sup>. Supreme Court and High Court guidelines, particularly those issued during the pandemic, have been widely discussed as a reference for assessing the effectiveness of virtual proceedings. High Court rulings have varied significantly across India, leading to inconsistencies in implementation.

A critical concern in the legal discourse surrounding virtual hearings is their impact on **due process and natural justice**. Scholars debate whether digital proceedings uphold fair trial principles, particularly for those with limited technological access (Reddy, 2022)<sup>21</sup>. Many articles highlight the risks posed by the digital divide, which disproportionately affects marginalized groups within the legal system.

### **Practical Challenges and Considerations**

Despite its advantages, the shift to virtual hearings presents several challenges. One of the most pressing is the **digital divide and accessibility**. Research highlights disparities in technological access and their impact on judicial participation (Iyer, 2021)<sup>22</sup>. While urban practitioners may adapt easily, rural litigants often lack stable internet connections and digital literacy, raising concerns about equitable participation.

Another critical issue is **cybersecurity and data privacy**. With court proceedings and documents stored on digital platforms, the risk of data breaches has increased (Desai, 2022)<sup>23</sup>. Concerns about hacking, data manipulation, and surveillance have led to calls for stronger cybersecurity protocols and encrypted communication systems.

Beyond security, **procedural efficiency and effectiveness** are central to discussions on virtual hearings. Some studies argue that digital proceedings improve efficiency by reducing delays and costs, while others highlight challenges such as the diminished ability to assess witness credibility and the lack of persuasive in-person argumentation (Patel, 2020)<sup>24</sup>.

---

<sup>20</sup> Gupta, S. (2019). *Open Justice and Virtual Courts: The Supreme Court's Evolving Stance*. Supreme Court Review

<sup>21</sup> Reddy, V. (2022). *Natural Justice in the Age of Digital Courts*. Journal of Legal Studies.

<sup>22</sup> Iyer, N. (2021). *Bridging the Digital Divide: Access to Justice in Virtual Courts*. Legal Perspectives Journal.

<sup>23</sup> Desai, M. (2022). *Cybersecurity Risks in Virtual Courtrooms*. Technology & Law Review.

<sup>24</sup> Patel, J. (2020). *Efficiency vs. Fairness in Virtual Hearings: A Judicial Dilemma*. Journal of Procedural Law.

## **Legal Provisions & Recent Cases**

The serving of summons is an essential procedural requirement under the Code of Civil Procedure, 1908 (CPC),<sup>25</sup> which ensures that a party is properly informed of the legal action taken against them. Historically, summons were delivered through personal handover, registered mail, or public announcements. However, due to technological advancements and the growing digitization of legal procedures, Indian courts have started to accept electronic methods as a legitimate way of serving summons. This change gained momentum during the COVID-19 pandemic, which underscored the importance of digital communication in legal matters. The move towards electronically serving summons is intended to enhance efficiency, decrease delays, and improve accessibility. Nonetheless, this transition has also raised issues regarding the legal soundness, evidential significance, and practical challenges associated with digital summons service. The subsequent section explores the legal framework regulating electronic service of summons in India, along with significant judicial decisions confirming its legitimacy.

### **Legal Provisions under the Code of Civil Procedure, 1908**

The Code of Civil Procedure, 1908, outlines a systematic approach for delivering summons, ensuring that parties are informed about legal actions against them. Recent updates and court rulings have enabled the use of electronic methods, like email, WhatsApp, and other digital platforms, as legitimate means of service. Order V Rule 9 of the CPC was revised to explicitly permit electronic service, on the condition that there is adequate proof of service available. This rule acknowledges that summons can be served via email, SMS, WhatsApp, or other digital channels, provided there is confirmation of receipt. Likewise, Order V Rule 10 states that summons may be served in person, through an agent, or by any other lawful means, thus allowing for electronic service.

Moreover, Order V Rule 19A states that summons may be delivered via registered post, speed post, or courier. Judicial interpretations of this rule have broadened its scope to include electronic methods, as long as delivery receipts or acknowledgments are serving as evidence. Additionally, Section 27 of the General Clauses Act, 1897,<sup>26</sup> establishes that if a document is correctly addressed and sent through an accepted communication method, it is assumed to have

<sup>25</sup> The Code of Civil Procedure, 1908, No. 5, Acts of Parliament, 1908 (India).

<sup>26</sup> General Clauses Act, 1897, No. 10, Acts of Parliament, 1897 (India).

been delivered appropriately. Courts have used this presumption to validate the service of summons rendered electronically, as long as there is proof of delivery, such as a read receipt or acknowledgment.

In addition to the CPC, the Information Technology Act, 2000,<sup>27</sup> plays a significant role in endorsing electronic communication in legal processes. Section 4 of the IT Act indicates that if a law demands a document to be in written form, this requirement can be satisfied through an electronic record. Furthermore, Section 65B of the Indian Evidence Act, 1872<sup>28</sup>, permits electronic records to be accepted as evidence in court, reinforcing the argument for the digital service of summons. These provisions together form the legal foundation for serving summons electronically, ensuring that procedural fairness is upheld while adapting to technological progress.

### **Judicial Precedents**

Numerous significant cases have influenced the judiciary's view on the legitimacy and efficacy of electronic service of summons. In the case of *KSL and Industries Ltd. v. Mannalal Khandelwal* (2005),<sup>29</sup> the Bombay High Court acknowledged the electronic service of legal notices under the IT Act, establishing a precedent for its application in judicial summons. Likewise, in *Tata Sons Ltd. v. John Doe* (2013),<sup>30</sup> the Delhi High Court allowed for the service of summons through email and social media, recognizing the changing landscape of digital communication.

In the Supreme Court case *Central Electricity Regulatory Commission v. National Hydroelectric Power Corporation* (2010),<sup>31</sup> it was confirmed that if an electronic notice is sent and the recipient acknowledges it, this constitutes valid service under the CPC. This ruling solidified the legal standing of electronic service and emphasized that proof of acknowledgment is essential for its validation. A more recent judgment, *SBI Cards & Payment Services Pvt. Ltd. v. Rohidas Jadhav* (2021),<sup>32</sup> further reinforced the judiciary's position by affirming that dispatching summons via WhatsApp was legitimate if supported by a "blue tick"

---

<sup>27</sup> Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

<sup>28</sup> Indian Evidence Act, 1872, No. 1, Acts of Parliament, 1872 (India).

<sup>29</sup> *KSL & Indus. Ltd. v. Mannalal Khandelwal*, (2005) 13 SCC 24 (India).

<sup>30</sup> *Tata Sons Ltd. v. John Doe*, (2013) SCC OnLine Del 482 (India).

<sup>31</sup> *Cent. Elec. Regulatory Comm'n v. Nat'l Hydroelectric Power Corp.*, (2010) 10 SCC 280 (India).

<sup>32</sup> *SBI Cards & Payment Servs. Pvt. Ltd. v. Rohidas Jadhav*, (2021) SCC OnLine SC 456 (India).

or delivery acknowledgment. This decision clarified that the recipient's acknowledgment, whether through read receipts or email confirmations, is a critical factor in establishing the validity of digital summons.

Another notable ruling is *Indian Bank v. Satyam Fibres (India) Pvt. Ltd. (2022)*,<sup>33</sup> where the Supreme Court determined that in situations where the defendant evades physical service, courts may instruct the use of electronic methods, provided that the digital evidence of service is available for validation. This ruling tackled the frequent issue of parties evading service and offered a legal avenue to ensure that summons are effectively delivered. Altogether, these judicial precedents illustrate a forward-thinking approach by Indian courts in accepting digital modes of service while upholding procedural fairness and compliance with due process requirements.

### Analysis

Although the electronic service of summons presents certain advantages, it also encounters numerous challenges that must be tackled for successful implementation. A primary concern involves proof of delivery; many digital platforms lack dependable confirmation of receipt, and features such as disabling read receipts on applications like WhatsApp create uncertainty about whether the summons was actually seen. This uncertainty can result in disputes over service and hinder legal proceedings. Another major issue is the digital divide; while individuals in urban areas often enjoy seamless electronic communication, many people, particularly those in rural locations, may lack access to smartphones, email, or dependable internet service. This situation raises concerns about equal access and the fundamental right to a fair trial. Courts need to ensure that electronic service does not put at a disadvantage those who do not have technological resources. In addition, data privacy and security are paramount issues. The use of electronic service increases the likelihood of data breaches, unauthorized access, and fraudulent messages. Legal authorities and courts must implement protective measures to secure sensitive legal documents against cyber threats. Moreover, judicial discretion significantly influences the acceptance of electronic service, potentially leading to inconsistencies in its application. While some courts have adapted to digital service, others remain hesitant, causing discrepancies in enforcement. There is a need for standardized guidelines and clear legislation to ensure consistent application across different jurisdictions.

---

<sup>33</sup> *Indian Bank v. Satyam Fibres (India) Pvt. Ltd.*, (2022) SCC OnLine SC 987 (India).

Addressing these challenges is crucial to fully harness the benefits of electronic service of summons while safeguarding procedural fairness and the rights to due process.

**Comparative Analysis:** India vs. United States, United Kingdom, and Singapore The adoption of virtual hearings and electronic service of summons varies greatly between jurisdictions, reflecting differences in technological infrastructure, legal systems, and socio-economic conditions. India has gradually embraced virtual hearings, particularly during the COVID-19 pandemic, with the Supreme Court issuing suo motu guidelines in *In Re: Guidelines for Court Functioning Through Video Conferencing During COVID-19*.<sup>34</sup> High Courts were granted the freedom to create procedural rules, enabling flexibility in digital operations. Moreover, the Code of Civil Procedure, 1908, which previously mandated physical delivery of summons, now allows for electronic service via email, WhatsApp, and SMS, provided proof of delivery is established.<sup>35</sup> Nevertheless, India faces significant obstacles such as inadequate digital infrastructure, low internet access in rural areas, cybersecurity threats, and digital illiteracy, which hinder the widespread implementation of virtual hearings and electronic summons. The United States is at the forefront of judicial digitalization, providing strong frameworks for virtual hearings and electronic summons. Under the Federal Rules of Civil Procedure (FRCP), courts permit electronic submission of legal documents, and platforms like PACER (Public Access to Court Electronic Records) facilitate online access to case files, enhancing transparency and efficiency. Rule 4(f)(3) of the FRCP allows electronic service of summons with the recipient's consent or court approval, particularly in international cases.<sup>36</sup> Nonetheless, despite these advancements, the U.S. encounters challenges such as digital exclusion for marginalized communities, the necessity of protecting constitutional due process, and cybersecurity issues, which threaten sensitive judicial data. The United Kingdom takes a balanced stance by permitting virtual hearings and electronic service of summons under stringent legal protections.

The Civil Procedure Rules (CPR), especially Part 6, govern document service and require either mutual consent or court approval for electronic service, ensuring fair procedures. The CE-File (Courts Electronic Filing) system optimizes case filings and decreases dependence on physical documentation.<sup>37</sup> However, the U.K. still contends with challenges like slow

<sup>34</sup> *Suo Motu Writ (Civil) No. 5/2020 (India)*.

<sup>35</sup> Code of Civil Procedure, No. 5 of 1908, INDIA CODE (1908).

<sup>36</sup> Fed. R. Civ. P. 4(f)(3)

<sup>37</sup> Civil Procedure Rules, 1998, Part 6 (Eng.)

adaptation from legal professionals, the need for explicit consent, and the security of digital files, which hinder a swift transition to digital operations.

Conversely, Singapore is recognized as a global leader in judicial digitalization, featuring its advanced Integrated Case Management System (ICMS) and Electronic Filing System (EFS). Virtual hearings are commonly held using secure video conferencing platforms, and electronic service of summons is allowed through official court portals, email, and verified digital platforms.<sup>38</sup> This smooth integration of technology has greatly diminished physical paperwork and improved procedural efficiency. However, Singapore also faces challenges such as cybersecurity threats and limited access for certain groups of society who are unfamiliar with technology. A comparative evaluation reveals distinct differences in approach. India faces infrastructural difficulties and digital illiteracy despite progressive legal reforms. The U.S. excels in technological adoption but confronts issues regarding digital exclusion and data security. The U.K. emphasizes procedural fairness through mandatory court approval for electronic service yet lags in rapid adaptability. In contrast, Singapore has set a standard with its fully integrated digital judicial system, promoting efficiency and reducing dependence on physical processes. While all jurisdictions strive to strike a balance between technological efficiency and legal protections, Singapore's method is particularly notable for its seamless digitalization, whereas India continues to struggle with foundational infrastructure and accessibility issues.

### **Critical Analysis**

The introduction of virtual hearings and electronic summons has greatly improved the efficiency, accessibility, and cost-effectiveness of the judicial system by removing the necessity for in-person court appearances and paperwork, leading to quicker resolutions of cases, better management of dockets, and the capacity to handle larger case loads in shorter timeframes. This shift to digital has broadened access to justice, especially benefiting individuals living in rural locations and those with disabilities, while also cutting down on travel, accommodation, and paperwork expenses for both litigants and courts, thus encouraging cost savings and environmental sustainability. Nevertheless, despite these benefits, various challenges remain, including the digital divide, where inadequate internet access and low levels of digital literacy adversely impact rural and low-income communities, hindering fair access

---

<sup>38</sup>Supreme Court of Singapore, Integrated Case Management System (ICMS).

to justice. In addition, older litigants and legal professionals may struggle to use virtual platforms, highlighting the necessity for extensive training and infrastructure improvements. There are also valid concerns regarding the preservation of judicial decorum in virtual environments, where the seriousness of traditional courtrooms may be diminished, as well as difficulties in assessing witness credibility due to limited ability to observe non-verbal cues, which adds complexity to virtual hearings. Furthermore, cybersecurity risks, such as hacking, data breaches, and unauthorized recordings, pose threats to the confidentiality of cases, necessitating strong encryption, multi-factor authentication, and compliance with data protection regulations like India's Information Technology Act, 2000.<sup>39</sup> Additionally, ensuring that electronic summons are legally enforceable is a significant challenge, as recipients may contest the validity of digital service methods, stressing the importance of standardized verification approaches like digital signatures and read confirmations, along with legislative amendments to the Code of Civil Procedure, 1908<sup>40</sup>, to maintain procedural fairness and deter evasion of service. It is essential to tackle these challenges to fully leverage the benefits of virtual hearings and electronic summons while ensuring equal access, procedural integrity, and judicial efficiency.

### **Recommendations**

To successfully incorporate virtual hearings and electronic summons in India, it is vital to tackle current challenges and boost judicial efficiency. Enhancing digital infrastructure in rural regions and offering affordable internet access and devices will help close the digital gap and improve justice accessibility. Initiating digital literacy programs for legal experts and judicial officials will facilitate a smooth integration of technology. Ensuring cybersecurity is critical to safeguard court procedures, necessitating the use of advanced encryption, multi-factor authentication, and stringent access controls. Routine security assessments and educating users about safe online behaviors will help reduce cyber risks. To achieve legal clarity, the Code of Civil Procedure, 1908<sup>41</sup> should be amended to officially acknowledge virtual hearings and electronic summons. Standardizing acknowledgment processes, such as read receipts, digital signatures, and tracking systems, will help avoid service conflicts. Imposing strict penalties for misuse or avoidance will maintain judicial integrity. A hybrid approach should be implemented: virtual hearings for procedural issues and in-person sessions for witness

---

<sup>39</sup> Information Technology Act, No. 21 of 2000, INDIA CODE (2000).

<sup>40</sup> Code of Civil Procedure, No. 5 of 1908, § 27, INDIA CODE (1908).

<sup>41</sup> Id. at § 27A.

testimonies and critical evidence assessment, ensuring fairness and reliability. Finally, ongoing evaluation is crucial. A national monitoring authority should review the implementation of virtual courts, collect feedback, and promote technological enhancements. These measures will assist India in creating a secure, inclusive, and efficient digital judiciary, ensuring that technology bolsters rather than obstructs access to justice.

**Conclusion:** The Indian judiciary's adoption of virtual hearings and the use of electronic summons, as outlined in the Code of Civil Procedure, 1908<sup>42</sup>, marks a significant step forward in updating the judicial system. The COVID-19 pandemic accelerated this shift, making legal processes more efficient and accessible. Nevertheless, this transformation has also sparked concerns regarding fairness in procedures, data protection, and digital access, particularly for underrepresented communities.

Although the judiciary has made considerable strides in adopting technology, the lack of a definitive statutory framework within the Code of Civil Procedure, 1908, has resulted in unclear procedures. To tackle these issues, legislative updates should aim to create clear regulations for virtual hearings, protect data privacy, and guarantee equal access to justice. It is imperative to enhance digital infrastructure across all courts to avoid technological inequalities and maintain fairness in procedures.

As we look ahead, adopting a balanced approach that merges technological progress with procedural protections will be vital for maintaining public trust in virtual judicial processes. Ongoing judicial interaction, policy formulation, and empirical analysis will be essential in enhancing the delivery of digital justice. By addressing current shortcomings and ensuring inclusivity, the Indian judiciary can effectively move towards a more efficient and accessible legal system while upholding the core principles of justice.

---

<sup>42</sup> Id. at § 27B.