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FROM BENCH TO BROWSER: NAVIGATING THE TERRAIN OF INKLESS JUDGEMENTS IN THE 21ST CENTURY

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ABSTRACT:

The transition from traditional paper-based court systems to digitalized platforms represents a pivotal moment in the evolution of justice delivery. This paper explores the multifaceted journey of India's judiciary towards embracing digitalization, analyzing its implications, challenges, and potential outcomes. Through the lens of legal luminaries like Hon'ble Chief Justice D.Y. Chandrachud and global exemplars like Turkey, the USA, and the UK, it charts India's flight towards a tech-savvy judicial ecosystem. The COVID-19 pandemic emerges as an unexpected catalyst, propelling the courts towards a digital dawn amidst the shadows of lockdowns and stalemates.

Through a comprehensive examination of the e-courts project by the Government of India, the paper elucidates the strides made in enhancing accessibility, efficiency, and transparency. Moreover, the paper outlines strategic suggestions for encouraging digitalization efforts. It advocates for a collaborative approach involving legal tech startups and emphasizes the ethical dimensions of digital court proceedings.

In conclusion, the paper underscores that the digitalization of courts in India signifies more than just a technological upgrade; it represents a democratization of access to justice. However, achieving this vision requires a concerted effort to address the challenges and harness the transformative potential of digitalization in the legal domain.

“Digital courts illuminate the path to a more inclusive and agile judiciary, where justice is not bound by physical constraints but flourishes in the interconnected realm of cyberspace.”

KEYWORDS: Digitalization, litigants, e-Courts, virtual, justice delivery system

“ Digitalization is a step in the right direction of a sustainable transformation of the justice delivery system.”

– Hon’ble Chief Justice of India D.Y. Chandrachud

A silent revolution is underway in the traditional brick-and-mortar courtrooms of India’s judiciary- the struggle to mark a paradigm shift from paper to paperless courts in India. Justice Chandrachud has aptly remarked that the journey towards digitalization represents more than just a technological leap; it signifies a fundamental shift towards a more sustainable and equitable justice delivery system. This incorporates the theory of survival of the fittest given by Charles Darwin in the present-day scenario of the post-COVID new normal. As the world is shifting towards reliance on cyber-based platforms, India also needs to keep pace with the globe in the early.

In global collaboration is legal professional an exception? There can be treaties and conventions for arms and ammunition then why not for the rudimentary foundation of the nation i.e. legal fraternity? India is not the only one that is ambitious about heading towards modernization/digitalization of the judiciary, other nations are already on the path of tech-savvy.

Turkey is the first in the world to employ its scientific knowledge and technology to bring forward its legal organization to conflate with the information age. **USA**, the world power has been at the forefront of integrating technology with the judiciary. They have embraced the methods of ‘e-filing’ and ‘virtual courtrooms’. Some notable initiatives like PACER (Public Access to Court Electronic Records) also establish a transparent network for accessing documents online. In the **UK**, e-courts have gained significance through projects like HM courts and tribunals (HMCT) services with the ideology of adopting digital case management systems and virtual hearings. They aim to improve their justice delivery system with a reduction of costs and delays.

Sometimes, ensuring justice in one country requires working with other countries. When we collaborate, we can understand each other’s systems better. Greater understanding brings greater synergy. Synergy boosts better and faster justice delivery. Therefore, such platforms and conferences are important,” said Prime Minister Modi.¹

¹ Anand U, “PM Modi Stresses Cooperation among Countries for Delivery of Justice” (Hindustan Times, February 3, 2024) <https://www.hindustantimes.com/india-news/pm-stresses-cooperation-among-countries-for-delivery-of-justice-101706987801653.html>

The expedition of digitalizing the Indian judiciary started in 1990 with the initiative of National Informatics Centres (NIC) targeting the Hon'ble Supreme Court in the early stages and later extending to high courts. Considerable adversity was faced by the district courts while going through the transitions, because of which the attempt in 1997 remained unaccomplished. Another attempt to computerize a specific number of local courts was performed in two stages. Firstly, it covered 700 courts in four metropolitan cities and secondly, 900 additional courts are also covered in state cities where the high courts were located. During the first phase of this project, a significant amount of Rs. 14 crores was shelled out by the center for the computerization of all city courts in the four metropolitan cities of Mumbai, Chennai, Delhi, and Kolkata during 2001-2002. In 2003-2004, in the second phase of this project, 900 courts were transformed including high courts located in the state capitals with a total cost of Rs. 24.24 crores. Then the radical e-Courts Project was brought in the year 2005 which is currently gaining fame due to the dawn of the COVID era.

The Greek philosopher Plato asserted that **“a need will be the real creator”** and this appropriately fits the helplessness that the Indian judiciary faced during the COVID-19² pandemic. The catalyst effect of the pandemic was reflected when closed court doors tested the endurance of several litigants.

‘Almost the entire world was in a situation of stalemate in the pandemic and the Indian justice delivery system -typically characterized by its lack of swiftness – is no different.’

Due to COVID-19, stringent protocols were imposed which prohibited the lawyers & litigants to physically appear in the court. Therefore, the need for digitalization was realized during the lockdown. The Indian judiciary was propelled towards adopting a modern approach for the effective delivery of justice. For instance, the medium of serving summons and notices was through e-mail, and fax which are feasible and economical modes of communication as suggested by the Apex court. For conducting remote hearings and to make it convenient for counsel and clients to take active participation in judicial proceedings. It also acts as an efficient alternative for reducing the burden of traveling expenses and also ensures the security of legal professionals. Moreover, live streaming of court proceedings increases accessibility at the grassroots level of the nation and connects them to the legal environment. Conclusively, a court is a service rather than a place where justice is delivered immaterial to a materialistic court.

² “Digitalization of Indian Judiciary – A Necessity or A Luxury?” (Law Insider India, September 16, 2021) <https://www.lawinsider.in/columns/digitalization-of-indian-judiciary-a-necessity-or-a-luxury>

*“There was a total shutdown at the time but we had to run the courts”.*³

– Hon’ble Chief Justice of India D.Y. Chandrachud

When the globe was dealing with worrisome repercussions of the pandemic, on the other side of the coin, the lockdown served as a panacea for the earth to soothe detrimental effects caused by constant human interventions. This aided Earth’s rejuvenation sustainably and exceptionally. The nexus between digitalization and sustainable development is well established. It is finely quoted: *“Technology is not a means of execution but should be used for inclusive justice.”* Unexpectedly, the irony that surfaced here is that the *‘taken-for-granted luxury’* provided to the judiciary resulted in India being the highest consumer of paper in the legal panorama. It is usual in Indian court scenarios that every day *lakhs of cases are heard, hundreds of documents are printed & and thousands of sheets of paper are dumped.*

According to reliable sources of news, about 1 crore sheets are being consumed annually in courts. It is well said: *“Rights and duties go hand in hand”*. Therefore, if there is a right to legal aid then there is also a duty to safeguard the environment in which the legal aid is provided for. The Constitution of India also provides for the same under Article 48A, Article 51A, and Article 21 which incorporates the right to a clean, healthy, and sustainable environment. Former Chief Justice S.A. Bobde known for his ecological approach, implemented the proviso of utilizing both sides of paper for printing outcome of which is the nation saving around 1.5 Cr. A-4 sheets of paper per annum. The concept of digitalization of court includes a significant increase in equipment like iPads, laptops, computers and other electronic devices which are beneficial in e-filing documents, online proceedings, etc.

British Prime Minister William E. Gladstone said **“Justice delayed is justice denied”**.⁴ The statement is applicable and true for the Indian judiciary. In a report by Hindustan Times in 2018, it reported 27 million cases pending for the judgments with around 8.4% of them on hold for more than 10 years. The Hon’ble Supreme Court of India has taken the aid of ICT (*Information and Communications Technology*) to accelerate the speed of the judicial sector. the potential cause of delay could be identified as first non-adequacy of judges and secondly inefficiency of

³ Rajagopal K, “‘Huge Budget’ for e-Courts Project Will Help Make Lower Court Tech-Friendly, Says CJI D.Y. Chandrachud” (The Hindu, August 17, 2023) <https://www.thehindu.com/news/national/huge-budget-for-e-courts-project-will-help-make-lower-court-tech-friendly-says-cji-dy-chandrachud/article67204687.eceecourt/101459451>

⁴ Tiwari RK and Singh A, “Digitalization -The New Era of Indian Judiciary” (ResearchGate, January 1, 2020) https://www.researchgate.net/publication/346530267_Digitalization_-The_New_Era_of_Indian_Judiciary

Indian courts in the disposal of cases. The judge and citizen ratio of India currently stands at 21 judges per million population. The pressure on the judges is too high which is the dominant factor for mental stress among the judges. The Hon'ble Supreme Court had to find a way which increase the delivery of judgments without compromising the quality of justice.

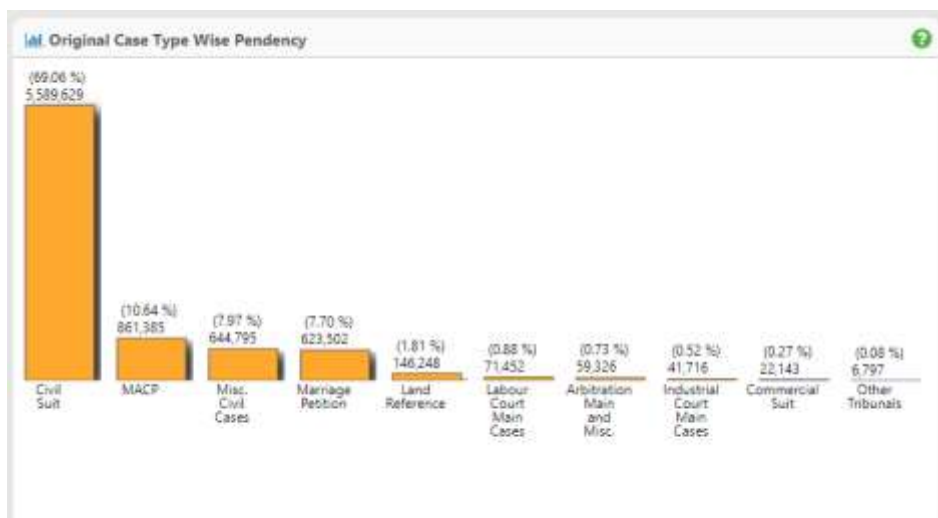
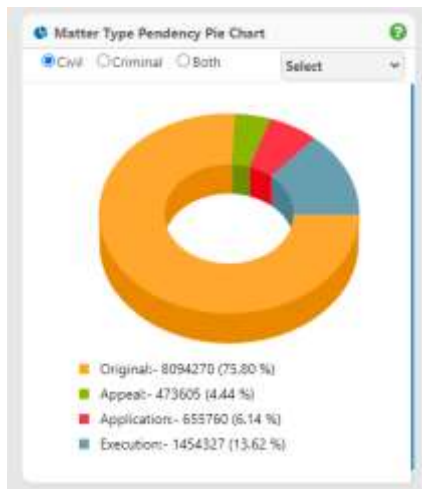
Particulars	Civil	Criminal	Total
Pending Cases			
0 to 1 Years	3165906 _(29.04%)	8722651 _(26.2%)	11888493 _(26.9%)
1 to 3 Years	3137159 _(28.77%)	9095774 _(27.32%)	12232905 _(27.68%)
3 to 5 Years	1691646 _(15.52%)	5364881 _(16.11%)	7056508 _(15.96%)
5 to 10 Years	2033226 _(18.65%)	6531848 _(19.62%)	8565070 _(19.38%)
10 to 20 Years	730301 _(6.7%)	3067615 _(9.21%)	3797916 _(8.59%)
20 to 30 Years	112572 _(1.26%)	445111 _(1.26%)	557683 _(1.26%)

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Therefore, following the early attempts of computerization, a brand new initiative '**e-Courts Project**'⁶ was brought by the Government of India to bring effect to dual objectives firstly, to ensure more transparency in the judiciary and secondly to bring the judiciary closer to common litigant in India. The e-Courts Project, conceptualized based on the "*National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005*", implemented under the oversight of the e-Committee, established by the Government of India, the project aims to modernize district courts across the nation with the support and funding from the Department of Justice, Ministry of Law and Justice. The reason behind bringing the e-Courts project is to come up with more transparency in the justice delivery system and to amplify judiciary both qualitatively and quantitatively. According to Daksh report, 90.1% of the litigants have an annual income of less than 30,000 and on average, each litigant spent Rs. 519 per day to attend court.

⁵ <https://njdg.ecourts.gov.in/>

⁶ "E-Courts Mission Mode Project | Official Website of e-Committee, Supreme Court of India | India" <https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/>



Source: <https://njdg.ecourts.gov.in/>

Therefore, to make the judicial system cost-effective as well as to build a harmonious connection between judiciary and litigants. The project is being initiated in stages as follows:

PHASE I : A Holistic Ecological Approach

Phase I of the e-Courts Project began on 8 February 2007 with approval by the Cabinet Committee of Economics Affairs (CCEA) with a budget of Rs. 420 crore. The budget was revised on 16th September 2010 to a skyrocketing amount of Rs. 935 crore where are huge number of courts were readied for computerization, and websites were launched by a large number of courts at the district level in this phase. The e-courts project was established as a Mission Mode Programme i.e. MMP with a prolonged motto of ‘Technology for justice’. Phase I concluded on 30th March 2015 with proposals for the interim budget of Phase II. Following are the endeavors taken under the same:

1. **Citizen-centric service-** the most significant objective of e-Court is to deliver effective and efficient citizen-centric service to reduce the trouble faced by them due to lengthy and time-consuming judicial procedures this service aims to provide citizens with any required information without any inconvenience which also incorporates time bond delivery of judgment because of this service citizen should be able to undergo the part of the judicial system.
2. **Decision support system:** it aided in developing, installing, and implementing a proper and effective mechanism to use the Information and Communication Technology(ICT)framework in Indian Courtrooms that further supports in promulgation of judicial decisions efficiently. For instance, there must be a uniform case cloud on which judgments are to be uploaded timely so that they can easily accessed publicly.
3. **Transparency of information access:** one of the biggest hurdles of the Indian judiciary is to evidence its transparency and reliability to achieve greater transparency the data must be available and easy to access publicly.
4. **Judicial delivery system:** a common litigate in India comes from an improvised class who can't afford the expense of a justice delivery system. Therefore there is a need to ameliorate the condition of the judiciary and to make the whole judicial system cost-effective and transparent to make it accessible to the grassroots level of the country.
5. **Court management and case management system:** today India is the world's most populous country passing the population of China which ultimately results in a lot of complications in the proper management of cases along with code to solve this problem there is a need to make an effective policy for managing caseloads. Case Information System (CIS) is being developed to maintain Court cases at the Central level.
6. **Improving legal awareness:** India is a poverty-prone country due to which 80% of the litigants have not graduated which subsequently makes them unaware of what legal rights they possess. Article 39A of the Indian Constitution provides free legal aid rights.

PHASE II: An Incomplete Digitalization

The proposal of the e-Courts Project phase II was obtained on 8 January 2014 by the Chief Justice of India while it was sanctioned on 4 August 2014. Under phase II, 18735 district courts have been computerized so far. The following are notable initiatives⁷ under the project:

⁷ "E-Initiatives | Official Website of e-Committee, Supreme Court of India | India"
<https://ecommitteesci.gov.in/project/e-initiatives-cg/>

- I. **WAN:** 'Wide Area Network' was provided to 99.3% of courts under this phase which shifted its bandwidth speed from 10 Mbps to 100 Mbps using several tech know-how like OFC, RF, and VSAT.
- II. **Case information software (CIS):** In a nutshell, CIS is an idea that enables the litigant to be able to view the daily status of a case, the orders from the case, hearings of a case, the progress of the case on any particular date, etc. online from any part of the world. Free and Open Source Software (FOSS) is a customized networking software that has been developed for this initiative. Currently CIS is operating at a Core version 3.2 in district courts and CIS National Core version 1.0 is secured for the high courts. The data is also fed to the National judicial data grid to enable the public, litigants, and advocates to avail the services from www.ecourts.gov.in.
- III. **National judicial data grade (NJDG):** The elastic search technology developed under the project gives access to the lawyers and litigants to the case status information of cases, orders, and judgments. Also enables the government to do Research and Analysis as open APIs have been introduced in this initiative. NJDG is a database of orders, judgments, and case details of approximately 18735 district and subordinate courts and high courts where the data is updated on a near real-time basis by the courts themselves.
- IV. **Citizen-centric services:** 7 platforms have been initiated providing real-time information on the case status to the lawyers:
 - SMS Services: Sends 200,000 SMS daily for updates.
 - Email Updates: Dispatches 250,000 emails daily for case information.
 - Multilingual e-Courts Portal: Receives 35 lakh daily hits, offering case details in multiple languages.
 - Judicial Service Centers (JSC): Physical hubs providing personalized assistance.
 - Information Kiosks: Provide accessible case information at strategic locations.
 - e-Courts Mobile App: 79.65 lakh downloads for on-the-go case updates.
 - JustIS App for Judges: 17,369 downloads for judges' case management.
- V. **Virtual courts:** As of July 4, 2022, 20 Virtual Courts are operating across 16 States/Union Territories, including Delhi (2), Haryana, Tamil Nadu, Karnataka, Kerala (2), Maharashtra (2), Assam, Chhattisgarh, Jammu and Kashmir (2), Uttar Pradesh, Odisha, Meghalaya, Himachal Pradesh, Madhya Pradesh, Tripura, and West Bengal. These Virtual Courts are dedicated to handling traffic offenses. Virtual Courts are presided over by a Judge through electronic platforms, with jurisdiction spanning the entire state and operating 24/7. They have successfully adjudicated over 1.69 crore cases and collected

finest totalling Rs. 271 crores. Additionally, the Delhi High Court has recently initiated 34 Digital Courts specifically designated to address cheque bounce cases under Section 138 of the Negotiable Instruments Act.

- VI. **Video conferencing:** District and High courts, along with the Supreme Court, have managed a significant caseload through video conferencing, totaling 1.92 crore cases by April 30, 2022. Video conferencing facilities are operational between 3240 Courts and 1272 Prisons. High Courts in several states have initiated live streaming of video conferencing proceedings, enhancing transparency in judicial processes. To expedite case disposal, mobile e-court vans equipped with Wi-Fi and computers for video conferencing have been deployed in Telangana and Uttarakhand. Moreover, High Courts in Gujarat, Orissa, Karnataka, Jharkhand, Patna, and Madhya Pradesh have initiated live streaming of video conferencing proceedings, allowing media and other interested parties to observe court proceedings in real time.
- VII. **e-Filing system version 3.0:** Version 3.0 of the e-Filing system has been launched, offering advanced features for the electronic filing of legal documents. These include online submission of Vakalatnama, e-signing, online video recording of oath, online payment, filing of multiple IAs/applications, Portfolio Management, and bilingual mode. Additionally, online payment of court fees, fines, penalties, and judicial deposits is now available through <https://pay.ecourts.gov.in>.
- VIII. **e-Seva Kendras:** To ensure inclusive justice delivery and address the digital divide, e-Sewa Kendras have been introduced to offer e-filing services to lawyers and litigants. As of April 30, 2022, 500 e-Sewa Kendras are operational under 26 High Courts. Additionally, a Nyay Kaushal Centre has been established in Nagpur to provide comprehensive e-facilities.
- In a bid to enhance accessibility to legal judgments, a 'Judgment & Order Search' portal has been launched. This portal, accessible at <https://judgments.ecourts.gov.in>, serves as a repository for judgments and final orders of the High Courts. Its features include search options based on Bench, Case Type, Case Number, Year, Petitioner/Respondent Name, Judge Name, Act, Section, Decision Date Range, and Full-Text Search
- IX. **National Service and Tracking of Electronic Processes (NSTEP):** it has been introduced to facilitate technology-enabled process serving and issuance of summons. Currently, NSTEP has been implemented in 28 States/Union Territories.
- X. **Virtual Justice Clock:** it is a digital platform designed to display crucial statistics of the justice delivery system at the court level. It provides details on the cases instituted,

disposed of, and pending cases on a daily, weekly, and monthly basis. This initiative aims to enhance transparency and accountability in the functioning of courts. Anyone can access the Virtual Justice Clock on the District Court website, enabling broader public engagement with the justice system's operations and outcomes.

XI. **Secure, Scalable & Sugamya Website as a Service (S3WAAS) Website:** A new divyang-friendly website for the e-Committee is live in 13 regional languages including English & Hindi. Additionally, all other court websites are being upgraded to the S3WAAS platform, ensuring security, scalability, and accessibility. Content on these websites is designed to be accessible to all users, including those with disabilities, using facilitative technologies.

XII. **Information, Education, and Communication (IEC) Campaign:** To disseminate information and enhance understanding of the facilities offered by the e-Courts Project, several initiatives have been undertaken:

- **E-Committee Website:** A dedicated website has been launched exclusively to provide a platform to share information about the e-Courts Project. High Courts can also showcase their achievements and best practices on this platform.
- **Awareness Webinars:** Webinars have been conducted for the Bar Councils of Tamil Nadu, Goa, Maharashtra, and Delhi to raise awareness and familiarize legal professionals with e-filing procedures. Additionally, manuals and brochures on e-filing have been made available on the e-filing Portal for reference.
- **YouTube Channel:** An 'e-Courts Services' YouTube channel has been established to host video tutorials on e-filing. These tutorials, available in various regional languages alongside Hindi and English, aim to provide step-by-step guidance to advocates.

PHASE III: The Vision for a Change⁸

The latest stride in this transformative journey, Phase III of the Project, has received the Union Cabinet's approval, under the guidance of Prime Minister Shri Narendra Modi. It represents the government's commitment to the principles of inclusivity and progress as advocated in Modi's vision of "**Sabka Sath, Sabka Vikas and Sabka Vishwas**". At its core, Phase III envisages a comprehensive overhaul, encompassing the digitization of court records, standardization of e-filing and e-payments through the proliferation of e-Sewa Kendras, and the implementation of

⁸ "Phase-III | Department of Justice | India" <https://doj.gov.in/phase-iii/>

intelligent systems for data-driven decision-making by judges and registries. The primary objective is to create a unified technology platform that promotes accessibility, affordability, reliability, predictability, and transparency within the judicial framework.

In essence, Phase III of the e-Courts Project proclaims a paradigm shift in India's judicial landscape, signaling a new era characterized by enhanced efficiency, effectiveness, and accessibility. Through its unwavering commitment to leveraging technology for the greater good, this transformative initiative is poised to significantly reduce the backlog of pending cases, thereby upholding the fundamental doctrines of justice and democracy.

The anticipated outcomes of the scheme encompass a broad spectrum of advancements aimed at revolutionizing the judicial process:

1. **Bridging the Digital Divide:** Through e-Sewa Kendras, citizens lacking access to technology can now avail of judicial services, thus ensuring inclusivity and accessibility.
2. **Environmental Friendliness:** Digitization of court records not only facilitates various digital services but also promotes environmental sustainability by minimizing paper usage and reducing the need for physical document movement.
3. **Cost Reduction:** Virtual participation in court proceedings cuts down on expenses related to travel for witnesses, judges, and stakeholders, thereby optimizing resource allocation.
4. **Convenient Payment Options:** Payment of court fees, fines, and penalties becomes hassle-free with the ability to make transactions from anywhere, anytime.
5. **Streamlined e-Filing:** The expansion of e-filing reduces the time and effort required for document submission, while automated checks minimize errors and diminish reliance on paper-based records.
6. **Integration of Advanced Technologies:** Utilization of AI, ML, OCR, and NLP enhances user experience by creating a "smart" ecosystem, streamlining processes, and facilitating better decision-making for judges and registries.
7. **Expanded Virtual Court Proceedings:** Beyond traffic violation cases, virtual courts are extended to various other proceedings, reducing the need for physical presence in courtrooms and enhancing efficiency.
8. **Automated Delivery of Court Summons:** The expansion of NSTEP ensures swift and automated delivery of court summons, thereby expediting trials and reducing delays in legal proceedings.

9. **Reduction in Pending Cases:** The incorporation of emerging technologies into court processes increases efficiency and effectiveness, contributing significantly to the reduction of pending cases and promoting timely justice delivery.

In February 2023, the launch of 3rd phase of the e-Courts Project was announced in the union budget with an outlay of Rs. 7,000 crores. Earlier both phases of the projects were carried out with a net budget of Rs 639,411 crores and 1,670 crores respectively. The main objective behind launching the 3rd phase of the e-courts project is to interlink various courts across the country along with setting up the infrastructure of inkless courts and advanced e-Sewa Kendras. The rise in the budget for the third phase of the project is due to the helplessness and necessity faced by the Indian judiciary during the pandemic as well as the positive result of virtual courts. The interim budget for the financial year 2024- 25 has proposed an additional Rs. 110 crores for 26 high courts across the country which are part of the e -Courts Project.

But, Is a country like India all set for a digital justice system?

It is important to weigh down the strengths and weaknesses before forming any opinion or making decisions. Like any complex endeavor, e-Courts projects come with their set of merits and demerits. By carefully considering both the positive and negative aspects, judgments about the feasibility, effectiveness, and potential impacts of such projects can be made. Here is a comprehensive list of merits and demerits of the project in a diverse country like India. Firstly the merits are: -

- Virtual courts are litigation friendly as compared to ordinary physical courts as they help in saving the traveling expenses borne by the litigate as well as the considerable cost sustained by the courts.
- Virtual courts are easy to access and affordable to the section of society that comes from an impoverished background.
- The Indian judiciary is well known for its pendency of cases with around 30 million cases pending in courts across the country With the advent of digitalization, there is a reduction in the backlog of cases.
- Article 39 (b) of the constitution propounded that all the material and economic resources in the country do not belong to a specific section of the society and are to be distributed as best to subserve the common good. In *G.B. Pant University of Agriculture and*

*Technology v State of UP (2000)*⁹ the concept of “*distributive justice*” was laid down which states that resources are to be distributed equally among the people of the country. Digital justice is affordable and can reach ground-level of the country and far-off areas to participate in court proceedings. Therefore, the virtual Court helps in accomplishing the notion of distributive justice.

- e-Courts also provide a platform to lawyers enabling them to deal with plenty of cases in a single day and they can also present their arguments before a judge sitting in any Court of any part of the country.
- With the establishment of virtual courts, the testimony by the witness can be now given without being afraid of anyone and in a secure environment. Moreover, online hearings are less traumatic for victims in comparison to ordinary hearings.
- For the establishment of courts and tribunals, a big budget is required which can be cut down by opening virtual courts. The outcome of this low cost of litigation is incurred by litigants.
- Virtual courts Lessen the burden on the litigant’s shoulder to appear physically in court which ultimately helps in saving travelling expenses as well as time of litigants.
- The online hearings and proceedings enhance accountability and transparency of the judicial system among the parties of the case, also, the proceedings are held in a time-bound manner which makes judiciary administration efficient and effective.

“The internet gave us access to everything; but it also gave everything access to us.” -James Veitch

Following is a catalog of the demerits of the idea of digitalization of courts: -¹⁰

- Due to the lack of basic infrastructure facilities and internet connectivity issues the advocates and litigants who belong to semi-urban and rural districts face challenges in participating in online hearings of the cases. An ample amount of the Indian population comes from remote areas which makes justice inaccessible and uneconomical for them.
- There is a 3-dimensional digital divide created by virtual courtrooms i.e.
 - i. **access divide** which deals with the huge variation in accessibility of basic infrastructure and equipment to different people coming from different regions and backgrounds,

⁹ [G.B. Pant University of Agriculture & Technology v. State of U.P. \[\(2000\) 7 SCC 109\], Mohan Singh v. Railway Board](#)

¹⁰ “Digitisation of Indian Judiciary” (Drishti IAS) <https://www.drishtiiias.com/daily-news-editorials/digitisation-of-indian-judiciary>

- ii. **connectivity divide** representing the variation in high-speed internet access nation, and
- iii. **skill divide** that everyone doesn't possess the requisite skill and knowledge to utilize the digital justice delivery system efficiently.
 - Another major hurdle in conducting hearings in virtual mode is technical glitches and if they happen during the proliferate working hours of judgment when plenty of people log into the live conferencing system it will result in a lot of time wastage of judiciary.
 - The Open court principle is a much better option when it comes to knowing the authenticity of the identity of the evidence and witnesses that are produced. In the case of an online hearing, the admissibility of evidence might be questionable.
 - The installation of certain applications and software for keeping the data of court proceedings further exaggerated the issue of privacy concern and led to many cyber crimes such as hacking, as it is easy to corrupt any confidential data that is stored in an application through a single virus attack in the system.
 - There is a lack of legal knowledge among the majority of the population which ultimately results in making the e-filing process more complicated.
 - It requires a big budget to transform all three tiers of the Indian judiciary into a virtual model. There are 25 high courts and more than 500 subordinate courts in the country. India is not ready for such an arm and a leg process as well as the time-consuming digitalization of each legal subject matter.
 - The main reason behind the poor status of virtual courts is an insufficient number of techno legal experts. In a country like India, it is impossible to establish e- Courts in the absence of techno-legal expertise.

Digitalization of courts in India can significantly improve efficiency, transparency, and accessibility to justice. Here are some suggestions for digitalizing courts in India:

- i. **Legal Research Databases:** Provide judges and lawyers with access to comprehensive legal research databases containing statutes, case law, and legal commentaries. This will facilitate legal research, enhance the quality of judicial decisions, and promote consistency in legal interpretation.
- ii. **Legal Aid Portals:** Develop online portals for legal aid services, providing information on legal rights, procedures, and resources for those who cannot afford legal representation. This will improve access to justice for marginalized and underprivileged communities.

- iii. **Cybersecurity Measures:** Implement robust cybersecurity measures to safeguard sensitive legal data, prevent unauthorized access, and protect the integrity of electronic court systems against cyber threats and hacking attempts.
- iv. **Public Awareness Campaigns:** Launch public awareness campaigns to educate citizens about the benefits of digital court services, how to access them, and their rights and responsibilities in the digital justice ecosystem.
- v. **Digital Signature and Authentication:** Implement robust digital signature and authentication mechanisms to ensure the integrity and authenticity of electronic documents filed in court, thereby enhancing the security and reliability of digital court processes.
- vi. **Language Localization:** Provide multilingual support in digital court systems to accommodate diverse linguistic preferences and ensure that language barriers do not hinder access to justice for individuals who are not proficient in the official language of the court.
- vii. **Interoperability with Other Government Systems:** Ensure interoperability between digital court systems and other government databases such as Aadhaar (unique identification), land records, and police databases to streamline information exchange, improve decision-making, and reduce duplication of efforts across different government agencies.
- viii. **User Feedback Mechanisms:** Establish feedback mechanisms for users to provide input on their experiences with digital court services, including suggestions for improvements. This will facilitate the continuous refinement of digital platforms based on user needs and preferences.
- ix. **Collaboration with Legal Tech Startups:** Foster collaboration with legal tech startups and innovators to explore emerging technologies such as artificial intelligence, machine learning, and blockchain for specific legal applications, such as contract analysis, legal research, and dispute resolution, to enhance the efficiency and effectiveness of judicial processes.
- x. **Integration of Alternative Dispute Resolution (ADR) Mechanisms:** Integrate ADR mechanisms such as mediation and arbitration into digital court platforms, allowing parties to explore alternative avenues for resolving disputes in a timely and cost-effective manner. This can help reduce the burden on traditional courtrooms and promote a culture of collaborative dispute resolution.

- xi. **Blockchain Technology for Document Verification:** Explore the use of blockchain technology for securely storing and verifying court documents, ensuring tamper-proof records and enhancing trust in the integrity of the judicial process.
- xii. **Electronic Courtrooms in Rural Areas:** Extend the digitalization efforts to rural areas by equipping courtrooms in remote regions with necessary technology infrastructure and internet connectivity. This can improve access to justice for rural communities and reduce the need for travel to urban centres for court proceedings.
- xiii. **Ethical Guidelines for Digital Court Proceedings:** Develop ethical guidelines and standards for conducting digital court proceedings, addressing issues such as privacy protection, data security, and ethical use of technology in the administration of justice.

In conclusion, the digitalization of courts in India marks a significant leap forward in the country's judicial landscape. Through a series of strategic initiatives, including the establishment of dedicated websites, awareness webinars, and educational resources, the transformative process of digitalization is evident. It aims to bridge the digital divide, streamline processes, enhance accessibility, and promote transparency and efficiency in legal proceedings. With the integration of advanced, the judiciary is poised to usher in a new era of smarter and swifter justice delivery and reduced backlog of pending cases.

“Embracing digitalization in our courts isn't just about modernizing, it's about democratizing access to justice.”

It comprehends that the adoption of digitalization in our court systems goes beyond mere technology updating. Instead, it's about ensuring that access to justice becomes more equitable and inclusive for everyone. By embracing digital tools and processes, we can break down barriers and make the legal system more accessible to individuals from all walks of life. Digitalization democratizes access to justice by empowering people to navigate legal processes more easily and efficiently, regardless of their background or resources.

References:

1. Modernising justice systems: an international perspective, Inside HMCTS (Oct. 11, 2022), <https://insidehmcts.blog.gov.uk/2022/10/11/modernising-justice-systems-an-international-perspective/>.
2. Krishnadas Rajagopal, 'Huge budget' for e-courts project will help make lower court

- tech-friendly, says CJI D.Y. Chandrachud, The Hindu (Aug. 17, 2023), <https://www.thehindu.com/news/national/huge-budget-for-e-courts-project-will-help-make-lower-court-tech-friendly-says-cji-dy-chandrachud/article67204687.ece>.
3. Digitalization of Courts: A Step Towards Sustainable Development, Vidhi Mitra (June 24, 2020), <https://legalaidnlu.wordpress.com/2020/06/24/digitalization-of-courts-a-step-towards-sustainable-development/>.
 4. Times Of India, Digitisation a step in right direction for justice delivery: CJI DY Chandrachud, Times of India (Jan. 25, 2023), <https://timesofindia.indiatimes.com/city/delhi/cji-digitisation-a-step-in-right-direction-for-justice-delivery/articleshow/97289273.cms>.
 5. Just a moment..., https://www.researchgate.net/publication/346530267_Digitalization_-_The_New_Era_of_Indian_Judiciary.
 6. LI Network, Digitalization of Indian Judiciary – A Necessity or A Luxury?, Law Insider India (Sept. 13, 2021), <https://www.lawinsider.in/columns/digitalization-of-indian-judiciary-a-necessity-or-a-luxury>.
 7. Emerging Technologies and Judiciary, (Apr. 5, 2023), <https://www.drishtias.com/daily-updates/daily-news-editorials/emerging-technologies-and-judiciary>.
 8. Akshat Khetan, Digital Courts: Future Of The Indian Legal System, (Oct. 17, 2023), <https://www.livelaw.in/law-firms/law-firm-articles-/virtual-hearing-e-courts-project-digital-preservation-standard-operating-procedure-internet-and-mobile-association-of-india-240329>.
 9. Online Bureau, Supreme Court's diamond jubilee on Jan 28: Digital SC Reports, Digital Courts 2.0, new website to be launched - ET Government, (Jan. 27, 2024), <https://government.economictimes.indiatimes.com/news/governance/supreme-courts-diamond-jubilee-on-jan-28-digital-sc-reports-digital-courts-2-0-new-website-to-be-launched/107185243>.
 10. E-Initiatives, India <https://ecommitteesci.gov.in/project/e-initiatives-cg/>.
 11. E - Courts Project, E-Courts in India, First eCourt in India [UPSC Notes], Courts Project, E-Courts in India, First eCourt in (Nov. 29, 2022), <https://byjus.com/free-ias-prep/e-courts-project-upsc-notes/>.
 12. Modernising justice systems: an international perspective, Inside HMCTS (Oct. 11, 2022), <https://insidehmcts.blog.gov.uk/2022/10/11/modernising-justice-systems-an->

[international-perspective/](#).

13. 13. CJI Chandrachud launches 5 digital courtrooms in Supreme Court, (July 3, 2023), <https://government.economictimes.indiatimes.com/amp/news/governance/cji-chandrachud-launches-5-digital-courtrooms-in-supreme-court/101459451>.
14. 14. Krishnadas Rajagopal, 'Huge budget' for e-courts project will help make lower court tech-friendly, says CJI D.Y.Chandrachud, The Hindu (Aug. 17, 2023), <https://www.thehindu.com/news/national/huge-budget-for-e-courts-project-will-help-make-lower-court-tech-friendly-says-cji-dy-chandrachud/article67204687.ece>.
15. 15. Digitalization of Courts: A Step Towards Sustainable Development, Vidhi Mitra (June 24, 2020), <https://legalaidnlu.wordpress.com/2020/06/24/digitalization-of-courts-a-step-towards-sustainable-development/>.
16. 16. Times Of India, Digitisation a step in right direction for justice delivery: CJI DY Chandrachud, Times of India (Jan. 25, 2023), <https://timesofindia.indiatimes.com/city/delhi/cji-digitisation-a-step-in-right-direction-for-justice-delivery/articleshow/97289273.cms>.
17. Just a moment..., https://www.researchgate.net/publication/346530267_Digitalization_-_The_New_Era_of_Indian_Judiciary.
18. LI Network, Digitalization of Indian Judiciary – A Necessity or A Luxury?, Law Insider India (Sept. 13, 2021), <https://www.lawinsider.in/columns/digitalization-of-indian-judiciary-a-necessity-or-a-luxury>.
19. Emerging Technologies and Judiciary, (Apr. 5, 2023), <https://www.drishtias.com/daily-updates/daily-news-editorials/emerging-technologies-and-judiciary>.
20. Akshat Khetan, Digital Courts: Future Of The Indian Legal System, (Oct. 17, 2023), <https://www.livelaw.in/law-firms/law-firm-articles-/virtual-hearing-e-courts-project-digital-preservation-standard-operating-procedure-internet-and-mobile-association-of-india-240329>.