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DIGITALIZATION OF COURTS IN INDIA - PROMISES, PITFALLS, AND CONSTITUTIONAL CHALLENGES

AUTHORED BY - HIMANI BHATNAGAR

Abstract –

The digitalization of the Indian judiciary marks a pivotal shift from traditional, paper-based court procedures to technologically advanced systems aimed at enhancing access to justice, transparency, and efficiency. Accelerated by the COVID-19 pandemic, initiatives such as virtual hearings, e-filing, e-summons, electronic payment systems, and live-streaming have transformed judicial functioning. Central to this shift is the E-Courts Mission Mode Project—implemented in three phases—which has laid the foundation for ICT-enabled courts, culminating in integrated data platforms like the National Judicial Data Grid (NJDG). These developments promise faster case disposal, reduced costs, improved administrative efficiency, and democratized access to justice, especially for geographically distant litigants.

However, this transition presents complex challenges. The persistent digital divide—rooted in socio-economic disparity, gender inequality, geographical limitations, and technological illiteracy—threatens equitable access to justice. Technological vulnerabilities, inadequate digital infrastructure, cybersecurity risks, and operational inconsistencies across courts further complicate the shift toward digital justice delivery. Additionally, the digital ecosystem raises significant constitutional questions under Articles 14 and 21, particularly concerning equality before the law, the principle of open courts, data protection, and the right to privacy, including the emerging right to be forgotten. Policy and judicial interventions, including Phase III of the e-Courts Project and Supreme Court directives promoting hybrid hearings, mark important progress, though gaps persist, especially in the implementation of the Digital Personal Data Protection Act, 2023.

This paper critically evaluates the promises and pitfalls of digital courts in India, emphasizing the need for calibrated reforms that balance technological innovation with constitutional safeguards to ensure accessible, fair, and privacy-respecting justice delivery.

Keywords – Digitalization, Data Privacy, Technology, Indian Judiciary, Access to Justice

Introduction –

The Indian Judiciary, historically grounded in conventional courtroom practices involving physical appearances and voluminous paperwork, has undergone a significant digital transformation in recent years. This transformation, catalyzed by the necessities of the COVID-19 Pandemic, compelled courts to adopt technology at a pace never seen before. A number of digital innovations, such as virtual hearings, live streaming of proceedings, and e-filing convenience have redefined the justice system for the Indian Judiciary.

But, as the Indian judiciary navigates the complex landscape of digitalization of justice systems, a number of unseen challenges also emerge. Some of these include access to digital courts to the marginalized areas, data privacy of litigants, evidentiary admissibility of the electronic and digital records. This critical interface calls for a meticulous calibration to ensure that the profitability granted by technological innovations does not side-step due process of law or compromise judicial independence. The challenge lies not in the mere integration of technology in the justice system, but in doing so with a sense of consciousness that upholds the principles of justice, equity and equality.

There is a need for a critical reconceptualization of existing jurisprudential doctrines and procedural codes, to ensure fair and equitable justice to all parts of the society. ¹

Evolution and Current Landscape of Digitalization in Indian Courts

After India attained independence, it was faced not only by an explosion of population but also a huge pendency of undecided cases and backlogs. The pendency since then has only grown and has grossly overburdened the courts and judges. Some jurists even state that a total of around 320 years are still needed to clear the outstanding pendency.

India has 15,000 judges as against the sanctioned strength of 17,641 including 630 High Court Judges. This works out to a ratio of 10.5 judges per million populations¹². The mounting arrears of cases in Courts, particularly in District Courts and High Courts, have been a cause of great concern.

¹ Sharma, D. A. (2025). FROM BENCH TO BROADBAND: THE ETHICAL AND LEGAL PERSPECTIVES OF TECHNOLOGY IN INDIAN COURTS.

E-governance is a key word in every department of today's world. It increases productivity, enhances transparency, facilitates accountability and reduces corruption in administration. The ever-increasing pendency of cases at all the levels of the judiciary therefore calls for the adoption of digital technologies in the process of justice delivery.

Technology is an essential element of change in all spheres of life. Technology, if properly used, can bring about tremendous changes for a speedy justice delivery mechanism keeping in focus the quality, transparency and public accountability.

Along these lines, technology was first put into service and cases were disposed off expeditiously at the level of the Supreme court and High Courts.

List of Business Information System, Filing Counter Computerization, and Cause Lists on internet are some of the positive steps taken consistently over a considerable period of time, and has resulted in making the judiciary a people-friendly one, in addition to reducing the overall expenditure on judicial hearings. Also, The pendency of cases which was virtually at a level of peak during 1987, that is earlier to the introduction of computerization at Supreme Court had reached a considerable low level by 2003.

This experimentation which had been done at the level of High Court and Supreme Court needed to be implemented at the level of the Trial Court, as majority of cases were and are pending. The steps were taken to implement computerization at the level of the Trial Court. The same was done with an active association and involvement of National Informatics Centre, and also the zeal exhibited by progressive minded judges like Justice G. C. Bharuka²¹, Justice Yatindra Singh²², and Justice MadanLokur²³. The State of Karnataka implemented at first the concept of computerization as a model state even at the level of taluk courts.²

E Courts Mission Mode Project

A landmark element of the digitalization process for the judiciary and courts was the 'E Courts Mission Mode Project', conceptualized on the basis of the 'National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary – 2005', submitted by the e-Committee, Supreme Court of India with a vision to transform the

² Prakash, S. B. (2014). E Judiciary: A step towards modernization in Indian legal system. *Journal of Education & Social Policy*, 1(1), 111-124.

Indian Judiciary by ICT enablement of courts. It is a pan-India Project, funded and monitored by the Department of Justice, Ministry of Law and Justice, Government of India for the District Courts across the country.

The project spanned over two phases, Phase I beginning in 2007 and Phase II in 2015.

In Phase-I of the eCourts Project beginning from 2007, a large number of Court Complexes, Computer Server Rooms and Judicial Service Centers were prepared for computerization of the District Courts. The District and Taluka Court Complexes covered in Phase-I were computerized with installation of hardware, LAN and Case Information Software (CIS), for providing basic case related services to the litigants and the lawyers.

A large number of District Courts launched their websites for the convenience of the different stakeholders. The Change Management exercise was undertaken to train the Judicial Officers and Court Staff in the use of computers and Case Information System (CIS) was successfully implemented.

The Judicial Officers were trained by the Master Trainers trained from amongst them for continuing training programme. The CIS Master trainers have trained District System Administrators (DSAs) in the use of CIS. The DSAs have trained all the Court Staff in the use of CIS. The data entry for all pending cases has reached an advanced stage of completion. The Process Re-Engineering exercise was initiated to have a fresh look on the process, procedures, systems and Court Rules in force in the different District Courts under High Courts. The Phase-I concluded with extended timelines up to 30th March 2015.

Phase II:

In Phase-II, the covered courts are provisioned for additional hardware with (1+3) systems per Court Room, the uncovered Courts of Phase-I and the newly established Courts with (2+6) systems per Court Room and the Court Complexes are provisioned for hardware, LAN etc.

The dynamic implementation structure provides for greater participation and cooperation between the eCommittee, the Department of Justice (Government of India), NIC, DietY and Ministry of finance. It provides for High Courts as Implementing Agency, of the project under its jurisdiction. The Infrastructure Model provides for adopting Cloud Computing Architecture

which is efficient and cost effective, while retaining the present Servers Rooms as Network Rooms and Judicial Service centers as Centralized Filing Centres. Provision has been made for computerization of office of District Legal Services Authority; Taluka Legal Services Committee, the National Judicial Academy and the State Judicial Academies for efficient delivery of services and training.

Phase-II has adopted the Core-Periphery model of Case Information Software, the core being Unified as National Core, while the periphery developed according to requirement of each High Court, with NIC, Pune continuing to be the Centre for Software Development and related applications, ensuring software compatibility and interoperability, both horizontally and vertically, with the data including metadata to be unified and standardized.

In Phase-II, all the remaining Court Complexes are provisioned to be connected with Jails and Desktop based Video Conferencing to go beyond routine remands and production of under-trial prisoners. It will also be used for recording evidence in sensitive cases and gradually extended to cover as many types of cases as possible. With an emphasis on Capacity Building of Judicial Officers and Process Re-Engineering, the Phase-II provides for Judicial Knowledge Management System including Integrated Library Management System and use of Digital Libraries.

The Phase-II of the project lays great emphasis on service delivery to the litigants, lawyers and other stakeholders. The websites will be Accessible Compliant and to the extent possible, the information will be available in the local languages. The applications for mobile phones, SMS and emails are extensively used as platforms for dissemination of information. Kiosk will be provided for every Court Complex. Certified copies of documents will be given online and ePayment Gateways will be provided for making deposits, payment of court fees, fines etc. The National Judicial Data Grid (NJDG) will be further improvised to facilitate more qualitative information for Courts, Government and Public.

ecourts.gov.in:

On 7th August 2013, Hon'ble the Chief Justice of India launched the e-Courts National portal ecourts.gov.in of the eCourts Project. More than 2852 Districts and Taluka Court Complexes have secured their presence on the NJDG portal ecourts.gov.in and are providing Case Status, Cause lists online with many of them also uploading orders/judgments. The data of more than

7 crore pending and disposed of cases and 3.3 crore orders/judgments of District Courts in India is available on NJDG at present.

With dynamic real time data generated and updated continuously, the NJDG is serving as a source of information of judicial delivery system for all the stakeholders. It is regularly analyzed for meaningful assistance in policy formation and decision making. The NJDG is working as National data warehouse for case data including the orders/judgments for Courts across the country with full coverage of District Courts.

The Online Analytical Processing, and Business Intelligence Tools will help in the summation of multiple databases into tables with summarized reports for preparation of informative management system and dashboards for effective Court and Case Management. The Judicial Management Information System will be helpful in litigations and adjudication pattern analysis and also the impact analysis of any variation in governing factors relating to law, amendments, jurisdiction, recruitment etc. It will also serve as judicial performance enhancing measure for policy makers to be used for decision support system.

The project, therefore serves as a pioneer step in the digitalization of all the three levels of the Indian Judiciary, and promises a bright future for the digital courts in the long run. ³

The key elements of digitalization in the judicial context include Virtual Courts and proceedings using Video Conferencing, Digitalization of various elements of court proceedings including e-filing, e-summons and e-payment methods.

Another significant element of judicial digitalization is the **National Judicial Data Grid**, a flagship project implemented under the aegis of the e-Committee Supreme Court of India, which provides a system for monitoring pendency and disposal of the cases in High Courts and Subordinate Courts. NJDG provides a comprehensive database of orders, judgements, and case details of District and Subordinate Courts and High Courts. The statistics of pendency at National, State, District and at Individual Court level is available to anyone visiting the National Judicial Data Grid portal.

³ <https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/>

It also serves as a decision support system to the management authorities like Supreme Courts and respective High Courts, to monitor pendency on varied attributes for effective decision-making.⁴

The Promise of Digital Courts

The transformation of courts from conventional to computerized promises a great degree of benefits and developments to the judicial fraternity as well as to the general public. Firstly, it provides for inclusivity in access to justice for the whole of the concerned public. It facilitates remote access for geographically distant litigants, thereby eliminating the barrier of physical appearance. Also, digital appearance reduces the cost and time required for a physical hearing, thereby benefiting the concerned person as well as the economy as a whole.

Secondly, digitalization enhances the Efficiency and Speed of the judicial system. It facilitates the faster disposal of cases, thereby reducing pendencies. Additionally, it also streamlines the process of case management, since platforms such as the National Judicial Data Grid projects the exact numbers of pending and disposed cases, giving the judges an opportunity to assess the position of the cases at hand.

Thirdly, digitalization enhances the transparency and accountability of judicial decisions. The open publication of pendencies and judgements on the National Judicial Data Grid ensures transparency in the judiciary as the numbers are publically visible. Also, the accountability of the judiciary is also improved, as a stable and reliable mechanism for the tracking and management of case judgements and status is available, and a digital record ensures the permanent availability of evidence for future references.

Fourthly, judicial digitalization promises several administrative benefits as well. The paperless courts facilitate the ease in the filing process. Also, the new law of evidence, ie, The Bhartiya Sakshya Adhiniyam, 2023, as well as the Information Technology Act, 2000, both recognize the validity and admissibility of digitally and electronically signed evidence in the form of certified copies, thus providing for standardization of documentation, and its long-term availability.

⁴ <https://www.nic.gov.in/project/national-judicial-data-grid/>

Thus, digitalization of the judicial process can prove to be a boon if used correctly and in the right direction.

Pitfalls and Practical Challenges

Every coin has two sides. In addition to the various benefits that digitalization holds, it poses a number of multidimensional challenges as well, which need to be dealt with for the successful implementation of the projected digitalization measures.

First and foremost is the problem of digital divide. It refers to the unequal access to digital devices to different sections of the society. The most prominent dimension of digital divide is the disparity in access between the rural and urban areas. This can be due to various reasons such as lack of education, lack of awareness, or extreme poverty. Strong measures need to be implemented to overcome the disparities, and ensure that equal access digital sources of justice is available to all.

Another powerful dimension of digital divide is the gender-based disparity and socio-economic gaps. Females are generally considered to be less technologically educated as compared to men, majorly due to the societal settings and beliefs along these lines. Additionally, the socio-economic position of an individual also, to an extent, has a say in the level of access he or she has to a particular mode of justice. People of humble backgrounds generally do not have the money and means to be able to access judicial resources at parity as compared to the ones who are socially and economically sound.

Also, the digital divide is prominent among senior lawyers and judges, who lack the skill and understanding required for operating digital resources, further extending the time for availing justice as well as impacting the quality of judgements served.

The solution to these issues lies within measures such as public awareness campaigns, and training programs for the judicial personnel, to make sure they are well versed with the new systems of delivering justice, and the same is duly served.

Secondly, technological challenges also pose significant challenges in the effective implementation of digitalization in the judiciary. Lack of internet and connectivity issues, particularly in the rural and semi-urban areas of the society is the most prominent challenge of

this dimension. Additionally, operational gaps between courts, for instance in serving digital summons or delivering digital notices also delay the judicial proceedings to a great extent if the materials do not reach the concerned person within the stipulated time.

Also, judicial documents transmitted or stored digitally are greatly vulnerable to cybersecurity threats such as hacking or unauthorized access, which can significantly affect their credibility and evidentiary value.

The solution lies in ensuring equitable access to technological resources to all the sections of the society, taking measures to minimize the operational gaps, and applying stringent cybersecurity steps to ensure the due delivery of justice.

Constitutional Challenges

Article 14: Right to Equality Before Law

Article 14 of the Constitution of India guarantees to all its citizens the right to equality before law. The same also applies to the right to digital access to justice. However, this right still has a long way to go before the transition from principle to practice becomes a reality. Several challenges, such as digital divide and technological concerns hamper the effective delivery of justice across different regions.

Digital Illiteracy is a major cause of concern for the implementation of an effective justice system. The lack of awareness regarding the availability and use of digital platforms as sources of judicial proceedings and justice delivery mechanisms curtails the opportunity for genuine litigants to have their rights enforced before a court of law. Additionally, digital platforms may be prone to certain in-built algorithmic biases, which in turn hamper the quality of justice. Also, the unevenness in the availability of digital devices (with respect to both quality and numbers) may have a considerable impact on the effectiveness of the judgement served and the time employed to deliver the same.

Open Courts Principle

The principle of open courts stems from Article-21 of the Constitution of India, which includes the Right to Information. According to this principle, the general public enjoys the right to have access to the judicial pronouncements made in courts, the basis on which they are made, and the rationale and reasoning behind the same.

However, this right comes with its own set of concerns. First, there may be issues related to the livestreaming and recordings of the judicial hearings. Second, controls relating to access of these recordings also need to be laid down, clarifying the authority which has to have control over the digital copies of the proceedings. Also, there exists a risk of excessive public viewership, which can be against the right to privacy of a litigant, since every judicial proceeding is not fit for public access through livestreaming.

Hence, there has to be a system of checks and balances to protect the intersection of two staple elements of Article 21, that are, the Right to Information and the Right to Privacy.

Right to Privacy

The Right to Privacy under the Indian Constitution forms an integral part of the Right to Life and Personal Liberty under Article 21, and is also recognized as a fundamental human right. This was re-affirmed in the landmark judgement of Justice KS Puttaswamy vs Union of India, where a nine-judge bench unanimously opined that privacy forms an integral part of the rights vested under Article 21. This has been further upheld in several other cases including Navtej Singh Johar Case and Joseph Shine Case.

The Right to Privacy, owing to the emerging prevalence of digitalization, now includes within its scope the Right to Digital Privacy as well. The right to digital privacy includes the ability of individuals to control how their personal information is collected, used and shared in the digital world. It works on the core principles of consent, transparency, purpose limitation, and accuracy.

However, it is subject to a number of challenges. Firstly, it is difficult to determine whether consent by the concerned party for the information to be shared digitally is present or not, and if it is, whether it is free or not.

Also, the Right to Privacy implicitly includes within its scope the Right to be Forgotten, which involves the removal of the personal data of an individual from digital platforms when it is outdated, irrelevant, or harmful to their privacy. However, its interpretation still remains unclear. In the Puttaswamy case, the court clarified that this right is not absolute, and may not apply to certain cases, such as public interest, public health, archiving, research, or legal claims.

There is currently no specific statutory backing related to the right to be forgotten, but a few provisions include this concept, such as:

Digital Personal Data Protection Act, 2023: This Act recognizes the right to “erasure” but the application of these laws to court records and publicly available data remains unclear, with conflicting interpretations in the courts.

Information Technology Rules, 2021: Obligates intermediaries to remove or disable access to content violating privacy within 24 hours of a complaint.

This lack of clarity calls for stringent surveillance mechanisms and the need to ensure that data sharing and right to privacy go hand in hand, and their interplay occurs well within the constitutional limits.

Policy and Judicial Responses in India

Approval of Phase III of the E Courts Mission Mode Project

The Union Cabinet chaired by the Prime Minister Shri Narendra Modi has approved the eCourts Project Phase III as a Central Sector Scheme spanning four years (2023 onwards).

Taking the gains of Phase-I and Phase-II to the next level, the e-Courts Phase-III aims to usher in a regime of maximum ease of justice by moving towards digital, online and paperless courts through digitization of the entire court records including legacy records and by bringing in universalization of e-Filing/ e-Payments through saturation of all court complexes with e-Sewa Kendras. It will put in place intelligent smart systems enabling data-based decision making for judges and registries while scheduling or prioritizing cases. The main objective of the Phase-III is to create a unified technology platform for the judiciary, which will provide a seamless and paperless interface between the courts, the litigants and other stakeholders.

The Central Sector Scheme of eCourts Phase III is being implemented under the joint partnership of Department of Justice, Ministry of Law & Justice, Government of India and eCommittee, Supreme Court of India, in a decentralized manner through the respective High Courts to develop a judicial system that would promote ease of justice by making the system more accessible, affordable, reliable, predictable, and transparent for all stakeholders.⁵

⁵ <https://doj.gov.in/phase-iii/>

The Supreme Court's View on Digitalization

Additionally, some petitions were filed before the Supreme Court, contending that certain High Courts ceased the digital proceeding facilities after regular hearings resumed after COVID-19. The Bench comprising of the then Chief Justice of India DY Chandrachud, Justice Manoj Misra and Justice JB Pardiwala in its order on 6th October, 2023, issued a long list of directions. Amongst other things, the Court held that High Courts shall not deny access to video conferencing facilities to any advocate or litigant. To this end, it directed state governments to provide the High Courts with the funds for infrastructure. Further, the Court ordered that the links for accessing video conferencing be made available in the daily cause list. The Court also held that the Union Government shall ensure that all tribunals are provided with the requisite infrastructure for hybrid hearings before 15 November 2023.⁶

Status of the Digital Personal Data Protection Act, 2023 with respect to Judicial Data

While the Digital Personal Data Protection Act was enacted for the protection of digital personal data, it still has a number of loopholes which still need to be addressed, such as: All forms of digital personal data fall under the uniform application of the DPDP Act. No further safeguards are in place for processing important personal data or sensitive personal data, as defined by the SPDI Rules.

Significant exclusions from the DPDP Act are available to the government and other government instrumentalities, providing them with unfettered and unchecked ability to collect and handle data.

The Act also addressed the important question of the Data Protection Board's independence. Although the Act declares it to be an independent body, it is difficult to assume that the board would be autonomous given the tenure of the appointment and the involvement of the government in its operation.⁷

Thus, while the government and judiciary have taken steps towards the digitalization of the Indian Judiciary, a total digitalization is still a long way ahead and a number of measures are still required for the betterment of digitalization models as well as for addressing privacy

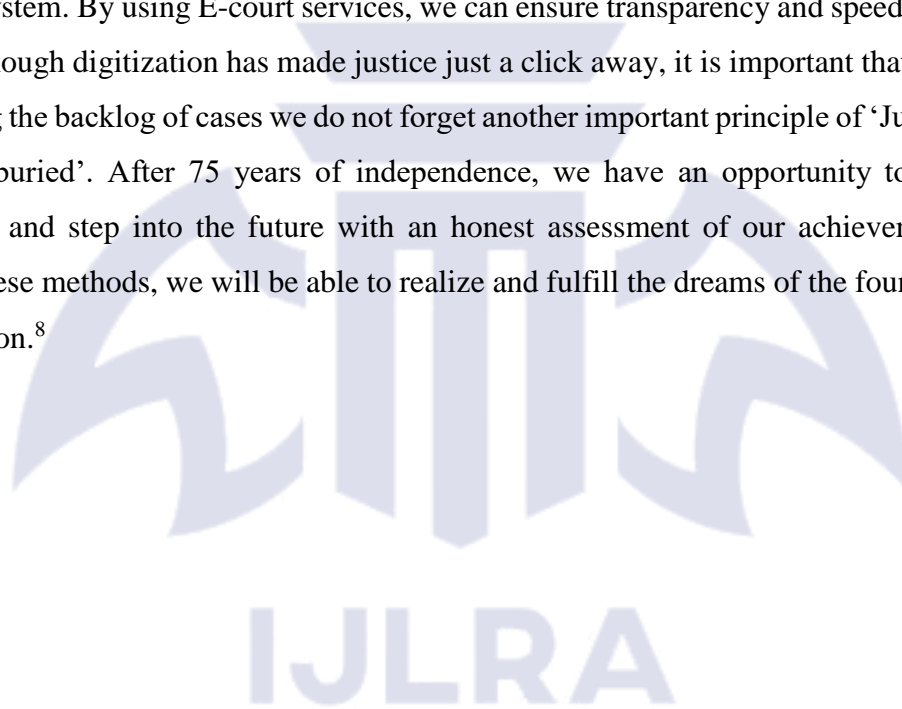
⁶ <https://www.scobserver.in/journal/supreme-court-takes-stock-of-virtual-hearing-systems-in-high-courts/>

⁷ Thapa, J. (2024). *Data privacy vis-à-vis the Digital Personal Data Protection Act, 2023*. *International Journal for Multidisciplinary Research (IJFMR)*, 6(3).

concerns to ensure the fair and unbiased delivery of justice through digital means.

Conclusion

The courts of this country were set up with a sense of idealism. We all know that ‘Justice delayed is justice denied,’ but today the number of pending cases is sharply increasing in the country. More than 4.48 crore cases are pending in Indian courts, which are rendering the commitment of justice to all made by our judiciary to the constitution. With the help of new advanced state-of-the-art technology, this backlog can be reduced to a great extent with greater speed. The emergence and advancement of new technology will help in transforming the Indian Judicial System. By using E-court services, we can ensure transparency and speedy disposal of cases. Although digitization has made justice just a click away, it is important that in the hurry of cleaning the backlog of cases we do not forget another important principle of ‘Justice hurried is justice buried’. After 75 years of independence, we have an opportunity to meet these challenges and step into the future with an honest assessment of our achievements. Thus, through these methods, we will be able to realize and fulfill the dreams of the founding fathers of our nation.⁸



⁸ Negi, K., & Bhardwaj, R. (2025). *Digitization: The next chapter of the Indian judiciary*. *Indian Journal of Integrated Research in Law*, 5(2), 1509–1546.