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E-Courts in India: Analysing a Transformative Shift in the Concept of Access to Justice

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E-Courts in India: Analysing a Transformative Shift in the Concept of Access to Justice

ABSTRACT

The advent of E-Courts in India marks a pivotal transformation in the judicial landscape, redefining the traditional contours of access to justice. This paper critically analyses the evolution, implementation, and impact of the E-Courts Mission Mode Project under the National e-Governance Plan. By leveraging digital technologies, E-Courts aim to enhance transparency, efficiency, and accessibility in judicial processes, especially in a country with vast geographical, linguistic, and socio-economic diversity. The study explores how the adoption of Information and Communication Technology (ICT) including tools like virtual hearings, digital filing, automated case management, and online information dissemination, has facilitated a more inclusive and responsive justice delivery system. The paper evaluates the extent to which E-Courts have democratized justice and addressed systemic challenges such as judicial backlog, delayed adjudication, and limited rural access. It also evaluates how implementation of technology and virtual hearings in ADR by introducing Online Dispute Resolution (ODR) has further contributed to reducing judicial backlog and making access to justice more reliable and smoother. By drawing a comparative analysis of the justice delivery system of India with countries like the US, UK, Canada, South Africa, and Australia, the paper aims to show how technology has been adopted in the judicial systems of these jurisdictions. It also reflects on the limitations, privacy concerns, infrastructural and connectivity issues and digital divide that may hinder equitable outcomes. Ultimately, this research underscores the transformative potential of E-Courts in aligning the Indian judiciary with the constitutional mandate of timely and fair justice for all.

KEYWORDS

E-Courts, Access to Justice, Judicial Digitalization, Virtual hearing, Information and Communication Technology (ICT).

I. INTRODUCTION

The term “justice” has been defined and interpreted by several scholars, nations, courts, philosophers and organizations in their own way. In its broader sense, it can be defined as equal treatment and fairness to all.

Justice has been an intrinsic part of numerous civilizations from the time

immemorial. With time, it became a fundamental principle for democracies all over the world. With justice comes the concept of right to have “Access to Justice”. Justice is meaningless if the right is not smooth, transparent, and fair. “Access to justice is a basic principle of the rule of law. In the absence of access to justice, people won’t be able to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable.”¹ This right has also been recognised at international levels, for instance, the United Nations’ Declaration on the High-level Meeting on the Rule of Law stressed on the right of equal access to justice for all in a number of international conventions and it also got attention of 48 states with the proclamation of Universal Declaration of Human Rights in 1948.²

The Indian Constitution, in its preamble itself mentions “Justice” which is part of the basic structure of the Constitution of India as declared in *Kesavananda Bharati v. The State of Kerala*³. In the case, the Supreme Court opined that “justice, liberty and equality which were implemented in Parts III and IV and other provisions of the Indian Constitution not only formed the essential features of the Constitution but also the fundamental conditions upon which various groups and interests adopted Constitution as the Preamble hoped to create one unified integrated community.” Hence, they cannot be amended. In *Anita Kushwaha v. Puspa Sadan*⁴, the Apex Court gave the right to have “Access to Justice” the status of fundamental right under Articles 14 and 21 of the Indian Constitution with the reasoning that since “life” under Article 21 does not only imply physical living but includes a number of other rights. Thus, denial of “access to justice” will undoubtedly affect the quality of human life and the right is a facet of Right to life under Article 21 of the Constitution. The same was reiterated in *Kishan Chand Jain v. Union of India & Ors.*⁵

Until recently, justice was served only through traditional courts; however, with the advancement of technology and digitisation of the world, the justice delivery system also underwent digitisation, leading to the introduction of the concept of E-Courts that allowed courts to adjudicate legal matters virtually. Virtual court proceedings came as a blessing and brought challenges with it at the same time.

¹ United Nations, ‘Access to Justice - United Nations and the Rule of Law’ <<https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>> accessed 13 November 2025.

² Universal Declaration of Human Rights, art 10 <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed 3 July 2025.

³ [1973] 4 SCC 225.

⁴ [2016] 8 SCC 509.

⁵ [2023] INSC 915.

II. EMERGENCE OF E-COURTS

The rising burden of cases in the courts, lengthy documentation processes, frequent adjournments, difficulty in accessing the court's database, and inadequate infrastructure made the justice delivery system slow, negatively impacting the financial and mental health of victims and under trials, as well as the overall effectiveness of the judiciary. A need for reforms was realised to make access to justice efficient.

The transformation of traditional courts into e-courts or online courts came as a response to the digital transformation of the world. The implementation of electronic courts changed the concept of access to justice. Non-judicial requirements like filing of the case, payment of court fees, determining the status of the case, and the cause list were all made electronically available. Moreover, accessing the court's database became easier, and various platforms for the same were brought into existence at national and international levels. The conception of access to justice and judicial administration as a slow, time-taking and complicated process changed gradually to some extent with the introduction of virtual courts.

Video/audio conferencing gained popularity during the COVID-19 pandemic and so did the virtual courts. Since it was not possible to attend courts physically, e-courts provided a means to allow judicial proceedings to take place in important cases while preventing the transmission of the virus.

E-courts has become an integral part of legal systems around the world, especially the ones who are financially not that strong and lack infrastructure but it also faces a lot of challenges when it comes to implementation, for instance, audio/video conferencing could be challenging for those who are not that technologically savvy, lawyers who have to present heavy volumes might face difficulty while presenting them online, inability to access these online proceedings or court's database due to lack of internet connectivity, non-availability of proper devices and lack of training.

The Supreme Court for the first time in the case *Salem Advocate Bar Assn. v. Union of India*⁶, held that recording of evidence can be done in audio-video electronic means also under Order 18, Rule 4(3) of CPC, 1908. The Court was of the opinion that the word "mechanically" under Rule 4(3) indicates that evidence can be recorded via electronic means, audio or audio-video means. Thereafter, in the case of *State of Maharashtra v. Praful B. Desai (Dr)*⁷, the Supreme Court allowed for the

⁶ [2003] 1 SCC 49.

⁷ [2003] 4 SCC 601.

recording of evidence for criminal matters through video conferencing stating that it fulfils the object of section 273, 274 and 275 of CrPC which requires the presence of the accused when the evidence is recorded. The court opined that the accused can be clearly seen and heard virtually. Hence, it is permissible. The same was added in CrPC through the Code of Criminal Procedure (Amendment) Act, 2008 which amended sections 2, 24, 26 and 41. Subsequently, trials of video conferencing were initiated in courts and jails. In *Santhini v. Vijaya Venkatesh*⁸, the Supreme Court allowed the use of video conferencing in matrimonial disputes. The court held that “the use of video conferencing should be left to the discretion of family courts”. The use of video conferencing was not limited to traditional courts but is also extended to the tribunals. The Apex Court in *Kishan Chand Jain v. Union of India*⁹ held that it is the constitutional duty of every adjudicating body be it courts, commissions or tribunals to adopt the use of technology in deciding matters such as video conferencing and make it available to all litigants and people.

III. IMPLEMENTATION OF E-COURTS IN INDIA

Effective administration and proper governance have always been a challenge for the Indian Government, especially when it comes to implementing the policies and programs at the grassroot levels, for instance, in the rural and suburban areas where accessibility of government resources is scarce. India’s geographical, linguistic and socio-economic diversity is also a challenge in implementing the government policies. With the aim to digitise India and for an effective governance, the Indian government in the year 2006, launched the National e-Governance Plan (NeGP) in order to digitise the government services and government records in such a way that it is easily accessible to the public in their localities itself and to encourage development and entrepreneurship, specifically in the rural areas. This programme constitutes 27 Mission Mode Projects (MMPs) and 8 components.¹⁰ “Mission Mode Projects are individual projects under the National e-Governance Plan (NeGP) that focuses on one aspect of electronic governance.”¹¹ One such Mission Mode Project which was brought

⁸ [2017] INSC 1023.

⁹ *Kishan Chand* (n 5)

¹⁰ Press Information Bureau, ‘NeGP Focuses on e-Delivery Fourteen Mission Mode Projects Gone Live CSC Schemes Generated Over One Lakh Rural Micro Enterprises’ (28 December 2010) <<https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=68736®=3&lang=2>> accessed 26 June 2025.

¹¹ Deepak Ratnani, ‘Overview of Mission Mode Projects’ (2 March 2020) <<https://egovernance.vikaspedia.in/viewcontent/e-governance/national-e-governance-plan/mission-mode-projects/e-government-initiative?lgn=en>> accessed 26 June 2025.

under NeGP is E-Courts Mission Mode Project.

The E-Court MMP is a pan-India initiative brought in collaboration with the e-committee of the Supreme Court of India, which was established under “National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary-2005” and whose purpose is to oversee implementation of the e-court project.¹²The initiative is spearheaded by the Department of Justice of Government of India. The project’s aim is to modernize and transform the Indian judiciary into a more efficient, accessible and transparent one by exploiting ICT. “ICT is the infrastructure and components that enable modern computing. Among the goals of IC technologies, tools and systems is to improve the way humans create, process and share data or information with each other.”¹³The decentralized approach adopted by this project enables State’s respective High courts to implement the project in accordance with the unique needs of each judicial region and put forward solutions for it accordingly.

The E-court Mission Mode Project is to be implemented in three phases. The first two phases have been concluded while the third is in force. The first phase continued from the year 2011 till 2015, it was the initial stage, so initiatives like computerizing of District and subordinate courts, enabling software, dissemination of hardware, enabling video conferencing in jails and court complexes were some of the initial steps which were taken. After that, the second phase commenced which continued till the year 2023. Under this phase, with the expansion of the initiatives formerly taken, the National Judicial Data Grid was introduced as a warehouse of Court’s data where the orders, judgements, case details of High Courts, District and Subordinate Courts can be accessed through the online portal. The third phase initiated subsequently on the conclusion of the second phase in the year 2023. It has been allocated with the highest funding of all the phases and will continue till the year 2027. “The main objective of 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.”¹⁴ Overall, the initiatives taken under the E-court

¹² e-Committee, Supreme Court of India, ‘About e-Committee’ <<https://ecommitteesci.gov.in/>> accessed 27 June 2025.

¹³ Paul Kirvan and others, ‘What is ICT (Information and Communications Technology)?’ (13 March 2025) <<https://www.techtarget.com/searchcio/definition/ICT-information-and-communications-technology-or-technologies>> accessed 27 June 2025.

¹⁴ Press Information Bureau, ‘E-Courts Integrated Mission Mode Project’ (22 September 2023) <<https://cdnbbsr.s3waas.gov.in/s3ec0507845cd9aefa6cde3f8926d25138/uploads/2024/01/2024010697.pdf>> accessed 27 June 2025.

MMP has resulted in the establishment of digitised and paperless courts, establishment of e-Sewa Kendra in the court complexes, integrating emerging technologies like Artificial Intelligence (AI), implementation of software applications for live streaming and electronic evidence handling, enabling various technologies for seamless data connectivity in the courts all over the nation.¹⁵

A. TOOLS AND SOFTWARE USED IN IMPLEMENTATION

1. National Data Judicial Grid (NDJS)

“It is a database of court orders/judgements and case details of 18,735 District and Subordinate courts and all high Courts of the country.”¹⁶ The platform provides case information as of both criminal and civil matters. It displays data on the number of cases instituted, disposed of, and pending, along with reasons why they are pending, it helps to identify where the judiciary is lacking behind and issues it is facing in speedy disposal of the cases.

2. Case Information System (CIS)

This system enables the public and litigants to ascertain the daily status of the case, date of hearing, orders and judgement of the particular case, the progress of the case from any part of the world. This system is created for the district and High Courts. The Core-periphery model of CIS has been adopted which allows for a unified National core while the periphery which is developed by each High Court according to state wise requirements.

3. Cloud Computing

The E- Court MMP has adopted the cloud computing architecture for the management of court data. It is cost effective and efficient, helpful in protecting and storing the data which is accessible from any location. The project retains the present server rooms as network rooms and Judicial Service centres as Centralized Filing Centres.¹⁷

4. Video Conferencing

¹⁵ Press Information Bureau, ‘E-Courts Mission Mode Project’ (17 December 2024) <<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2085127>> accessed 27 June 2025.

¹⁶ Department of Justice, ‘The National Judicial Data Grid (NJDG)’ (13 March 2025) <<https://doj.gov.in/the-national-judicial-data-grid-njdg/>> accessed 27 June 2025.

¹⁷e-Committee, Supreme Court of India, ‘E-Courts Mission Mode Project’ <<https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/>> accessed 27 June 2025.

The project introduces video conferencing not only as a means of virtual court proceedings but also as a means of communication between the prisoners, undertrials and the Judge. It saves time and is convenient.

5. E-Sewa Kendra

E-Sewa Kendras are basically established as a guide and facilitator to the litigants and parties. These are established in one District Court in each state and in all High Courts. These Kendras guide litigants in filing cases online, provide information as to date of hearing of the case, case status, provide assistance in e-payment or obtaining stamps online and assist in every query relating to video conferencing and online court services.

6. Judicial Information Management System

It is a system established to manage and track the information of the court such as case details, judgements and orders, progress of the case. It helps the litigants and policymakers to analyse the patterns and performance of the courts, which policy is improving the justice delivery and in what areas improvement is required.

7. Live Streaming

Live streaming of the court proceedings has been allowed for certain types of cases so that media, litigants or anyone interested to watch the proceedings live may join for the proceedings going on in High Courts and Supreme Court. In *Swapnil Tripathi v. Supreme Court of India*¹⁸, the Supreme Court discussed the advantages of live streaming. Live streaming court's proceedings will lessen the parties' reliance on secondary sources as they would themselves be able to ascertain in what manner and what things lead to the court's particular decision. This was one of the advantages among others. In the same case, the court issued guidelines specifying matters that can be broadcasted and in what manner. It held that any matter can be broadcasted except matrimonial disputes, disputes that are sensitive in nature, such as sexual assault and POCSO related matters. Also, if a presiding judge believes that a matter shall not be broadcasted due to it being prejudicial to the interests of justice, it shall deny the live broadcasting.

8. SUVAS (Supreme Court Vidhik Anuvaad Software)

SUVAS is a tool that translates English judgments into recognized

¹⁸ [2018] INSC 886.

regional languages in India. The software converts the English judgments into 10 languages which are Hindi, Kannada, Tamil, Telugu, Punjabi, Marathi, Gujarati, Malayalam, Bengali, Urdu and vice-versa.¹⁹ Along with it the Supreme Court multilingual mobile app was also launched which allows real time access to case status, daily orders, judgements, official notices, display board in multiple languages.

9. SUPACE

It is an initiative to integrate AI into legal proceedings, launched by the then Chief Justice of India, Hon'ble Shri Justice Sharad Arvind Bobde, who was also the Patron-in-Chief of the AI Committee, 2021. The initiative will allow easy access to precedents, case briefing, laws and statutes related to a specific case which would make justice delivery easier for the judge. Currently, trials are going on for this initiative.

The digitization and transformation of the justice delivery system also align with the Digital India programme and the vision of Viksit Bharat. The Digital India programme, initiated in 2015, seeks to turn India into a digitally literate and empowered economy. "The Viksit Bharat @2047 is the vision to make India a developed nation by 2047, on the 100th year of independence. The vision encompasses various aspects of development, including economic growth, social progress, environmental sustainability, and good governance."²⁰ The Prime Minister Narendra Modi addressed that "An empowered judicial system is a part of Viksit Bharat. The government is working continuously and taking many decisions to form a trusted judicial system"²¹ on the 75th anniversary of the Supreme Court.

When the concept of online Courts was first introduced in India, the scope of E-courts was limited only to the adjudication of traffic challan cases (Offences under the Motor Vehicle Act, 1988), later its scope was

¹⁹ 'AI backed SUVAS translation tool intended to make legalese simpler, court proceedings faster: Law minister' *Economic Times* (11 August, 2023) <<https://government.economictimes.indiatimes.com/news/technology/ai-backed-suvas-translation-tool-intended-to-make-legalese-simpler-court-proceedings-faster-law-minister/102648151>> accessed 27 June 2025.

²⁰ PIB Delhi, 'PM launches 'Viksit Bharat @2047: Voice of Youth' (11 December 2023) <<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1985077>> accessed 27 June 2025.

²¹ 'Laws framed today will further strengthen India of tomorrow: PM Modi at SC event' *The Economic Times*, (29 January 2024) <<https://economictimes.indiatimes.com/news/politics-and-nation/empowered-judicial-system-is-part-of-viksit-bharat-pm-modi/articleshow/107202835.cms?from=mdr>> accessed 27 June 2025.

extended to the trial of petty offences. However, with phase three of E-Courts MMP, it is planned to broaden the scope of online courts beyond the adjudication of these offences.

IV. LEGAL REFORMS

A number of legal reforms and amendments in present laws were introduced subsequent to the introduction of this project. The new criminal codes brought provisions aligning with the new normal. The Bharatiya Nagarik Suraksha Sanhita (BNSS)²², Bharatiya Nyaya Sanhita (BNS)²³, Bharatiya Sakshya Sanhita (BSA)²⁴ in its statement of objects and reasons itself provides for the proceedings through audio-video conferencing. Under BNSS, along with the inclusion of provisions as to audio-video electronic means and electronic communication, provisions of video conferencing were also added for examination of accused person(s), deposition of evidence, and recording of search and seizure. BSA provides that “evidence includes any information given electronically, which would permit appearance of witnesses, accused, experts and victims through electronic means, which implies through video conferencing.”²⁵

The e-committee of the Supreme Court has laid down model rules for video conferencing which is applicable on the courts or proceedings as the High Court may notify. The same rules have to be followed by each High Court and other courts under its jurisdiction for conducting video conferencing.

Other than the regular courts, the tribunals like National Company Law Tribunals and other tribunals like Income Tax Tribunal, National Green Tribunal also introduced a portal for E-filing of cases and laid down detailed rules regarding proceedings through video conferencing. Moreover, in *Sarvesh Mathur v. High Court of Punjab & Haryana*²⁶, Supreme Court issued a number of directions to the courts and government in order to further enable courts with hybrid hearings and digital infrastructure. According to one of the directions, the Union Government must provide requisite infrastructure to tribunals for hybrid hearings and declared that the same directions governing High Courts regarding hybrid hearing shall also apply to the tribunals.

²² Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS).

²³ Bharatiya Nyaya Sanhita 2023 (BNS).

²⁴ Bharatiya Sakshya Adhinyam 2023 (BSA).

²⁵ *Ibid*, s 2(e).

²⁶ [2023] INSC 891.

V. E-COURTS & ADR

The implementation of virtual courts did not remain limited only to the traditional in-court justice delivery system but was extended to out of court settlements or ADR (Alternate Dispute Resolution) in the form of ODR. ODR provides a more efficient, flexible and money-efficient alternative to traditional conflict resolution techniques.²⁷ Like the virtual courts ODR uses the ICT to settle disputes out of the court. According to the definition of UNCITRAL Technical Notes on Online Dispute Resolution, "ODR", is a "mechanism for resolving disputes through the use of electronic communications and other information and communication technology".²⁸ It primarily involves resolving disputes through mediation, arbitration and conciliation and mostly cases are of civil nature. "In India, ODR is recognized by the Information Technology Act, 2000, and the Arbitration and Conciliation Act, 1996. Arbitration Act enables parties to choose the venue of dispute resolution and IT Act streamlines the online process."²⁹ Moreover, Section 89 of CPC, 1908³⁰ directs court to refer the parties to the provided Alternative Dispute Resolution first and Order X Rule 1A of CPC, 1908³¹ grants the court authority to select any mode of dispute resolution, which means that ODR can also be opted.

ODR also gained popularity after the COVID 19 pandemic as it forced people to opt for virtual ways to settle disputes as they had no other choice. Before the outbreak of the pandemic, people were reluctant to do so. Subsequently, it started becoming more favourable and is now chosen over traditional ADR process as it involves audio-visual software, access to internet, a device for communication which can be a mobile phone or a computer which is nowadays easily available to the people and is less time and energy consuming and less costly than the traditional mode of dispute resolution.

As ODR has become increasingly prevalent, numerous online platforms came into existence at national and international level to virtually help parties to resolve their disputes. ODR platforms available in India are as

²⁷ Sharad Dave & Siddharth Misra, 'An Analysis of Online Dispute Resolution in India with Special Emphasis on the Impact of Covid-19: Opportunities and Obstacles' [2023] 3.(3) JCLJ 507.

²⁸ United Nations, 'UNCITRAL Technical Notes on Online Dispute Resolution' (April 2017)

<https://uncitral.un.org/sites/uncitral.un.org/files/mediadocuments/uncitral/en/v1700382_english_technical_notes_on_odr.pdf> accessed 27 June 2025, s V, para 24.

²⁹ Hemant Bohra and Pankhuri Jain, 'The Relevancy of ODR: Future of New Consumer Disputes Redressal Method' [2022] 2(4) JCLJ 1340.

³⁰ Civil Procedure Code 1908 (CPC) s 89.

³¹ *ibid* Order X, r 1A.

follows:

1. Centre for Alternative Dispute Resolution Excellence (CADRE)

It is a private online dispute resolution platform where social and commercial matters can be resolved through arbitration and mediation in a cost effective and timely manner. It possesses skilled arbitrators and technology experts who are well versed with the CADRE's rules.

2. SAMA

It is an ODR platform which envisions creating access to justice collaborative, completely online and accessible to all.³² SAMA provides a platform for resolving disputes through mediation, arbitration and online Lok Adalat. Its awards are legally binding and enforceable by the courts. Moreover, it collaborates with both government as well as private institutions across the country.

3. Centre for Online Dispute Resolution (CODR)

With expertise in technology, law and process management, CODR proves an online platform for individuals and businesses to resolve disputes through Arbitration, Mediation and Conciliation.

4. AGAMI

AGAMI is a non-profit that works closely to nurture entrepreneurship transforming dispute resolution.³³ It has helped start-ups and organisations to implement ODR within their institutions. It provides services for resolving disputes through negotiation, arbitration, mediation and conciliation.

5. Presolv360

By blending innovation, technology, research, it aims to make dispute resolution simple and user-centric. It provides services for resolving Money recovery, property insurance and other civil disputes through arbitration and mediation.

6. WeVaad

It is an "ODR institution which helps parties with time bound, cost effective and confidential dispute resolution through institutional

³² Sama <<https://www.sama.live/>> accessed 30 June 2025.

³³ Agami <<https://agami.in/odr/>> accessed 30 June 2025.

arbitration, institutional mediation and institutional conciliation.”³⁴ These are conducted according to WeVaad rules and are concluded within 30 to 90 days.

The above ODR platforms are quite popular private institutions in India. However, the government of India has also created some platforms for resolving disputes online. Some of them are Online Consumer Mediation Centre (OCMC), SAMADHAAN, E-ADR, Vivaad se Vishwas.

Not just in India, ODR is adopted by several countries all over the world and the concept and process followed by other countries is not very different from India. The European Union (EU) provides an ODR platform to countries under it, Iceland, Norway and Liechtenstein to resolve consumer disputes with the help of a dispute resolution body, which is a neutral body that seeks to resolve the dispute. The platform is called ODR Europe. The UK government has introduced HM Online Courts (HMOC) to resolve low value civil claims through ADR techniques like mediation and arbitration and the decision of the neutral party would be binding. Canada has also introduced the Canadian Civil Resolution Tribunal (CRT) to resolve small cause disputes. To resolve disputes it provides self-help tools, legal information and dispute resolution services.

VI. E-COURTS IN OTHER JURISDICTIONS

Other than India, several other countries also adopted the idea of virtual courts and video conferencing. Some of them are discussed below:

1. United States

The US provides for E-filing of cases and video conferencing facilities but the rules and permissibility depend on state to state as the country follows a decentralized approach. Although it allows for E-filing and video conferencing, it does not permit streaming court proceedings live and recording of court proceedings. However, some courts allow live streaming but for limited matters. The US also developed PACER (Public Access to Court Electronic Records); it is a platform from which the public can access federal records electronically.³⁵

2. United Kingdom

The government in the UK introduced HMCTS (HM Courts and Tribunals Service) in 2016 which is an executive agency liable for the administration of criminal, civil, family courts in England and

³⁴ WeVaad, <<https://wevaad.com/about-us/>> accessed 30 June 2025.

³⁵ 'About Us' <<https://pacer.uscourts.gov/>> accessed 30 June 2025.

Wales.³⁶ It aims to modernize the justice delivery system of the UK. The reform programme adopted by HMCTS reached its final conclusion in March 2025. One of its initiatives was introducing a video platform called Cloud Video Platform (CVP) which facilitates virtual hearing of cases. The government also introduced Courts and Tribunals Service Centres (CTSC) in which agents and call handlers are employed to resolve the queries of individuals related to their court or tribunal case. Through the National Archives, which is a platform for storing and publishing court judgements, the public can access judgments easily.³⁷ Further, Live streaming and recording court proceedings is allowed in UK's courts. Although, the broadcasting is limited across the country.

3. Canada

The Electronic Filing Portal, developed by the Supreme Court of Canada, allows filing cases and multiple documents related to the case online. The development is under its first phase, more functions are planned to be added by further developments.³⁸ E-filing of cases is province specific, there is no unified system till now in Canada. Video Conferencing is conducted through platforms like Zoom, Microsoft Teams and Webex across the country as per the rules of courts of different provinces. Judgements of the courts can also be accessed by the public which is available on the court's website. The Apex Court in Canada allows for live broadcasting and the broadcasting is accompanied with explanations of the case and powers of the court. Live broadcasting and other courts may or may not be allowed as it depends upon the provinces and its rules.

4. South Africa

CourtOnline, South Africa's E-filing system, provides law firms and solicitors an arrangement to electronically file documents and cases from any location. "CourtOnline is an end-to-end E-Filing, Digital Case Management and Evidence Management system for the High Courts of South Africa."³⁹ "The Court Online: Evidence Management

³⁶ GOV.UK, 'The Final Countdown: Reflecting on the modernisation journey for courts and tribunals' (3 April 2025) <<https://insidehmcts.blog.gov.uk/2025/04/03/the-final-countdown-reflecting-on-the-modernisation-journey-for-courts-and-tribunals/>> accessed 30 June 2025.

³⁷ GOV.UK, 'Court judgments made accessible to all at The National Archives' (19 April 2022) <<https://www.gov.uk/government/news/court-judgments-made-accessible-to-all-at-the-national-archives>> accessed 30 June 2025.

³⁸ Supreme Court of Canada, 'Portal overview' <https://portal-portail.scc-csc.ca/eng/Identification_Identification> accessed 30 June 2025.

³⁹ South African Judiciary, 'About CourtOnline'

(CaseLines) allows Judges and legal teams the opportunity to efficiently and securely prepare, collate, redact, share and present evidence/ legal bundles, documentary and video evidence in a single online system.”⁴⁰ Court proceedings are conducted through video conferencing by using third party platforms like Zoom or Microsoft Teams. Moreover, it is upon the discretion of the judge to allow virtual hearing of the case. Further, South African legal information Institute (SAFLII) provides legal information and judgements online as an open source of information for the public. The Supreme Court of South Africa allowed for live broadcasting of court proceedings of criminal matters. Certain guidelines were issued by the court for the same but as such there are no strict rules for live broadcasting.

5. Australia

Australia introduced eLodgment is an electronic case filing system in the courts of Australia. It expanded into a full electronic lodgment system in 2009.⁴¹ The users can track the progress of the case and can also file supporting documents through the portal. It is based on the Integrated Case Management System (ICMS). As regards conducting virtual proceedings, it introduced eCourtroom, which allows judges to hear some matters online. The courts use Microsoft Teams for online hearings. “eCourtroom is integrated with eLodgment, providing parties with a link between eCourtroom and eLodgment to facilitate the electronic filing of documents.”⁴² Through the Commonwealth court portal, one can have access to information of their cases, including documents filed and dates scheduled for the hearing of the case. Australian Courts allow audio-video recording of cases, which are then uploaded to their website. Although live broadcasting of cases depends upon the court to court and state to state.

VII. CHALLENGES

1. Connectivity Issues

Some High Courts and district courts lack internet and Wi-Fi

<<https://www.judiciary.org.za/index.php/court-online>> accessed 30 June 2025.

⁴⁰ E.P. Rusakova, ‘The Evolution of Digital Legal Proceedings in African Countries: Nigeria, Egypt and South Africa in the focus’ (2024) 28(2) RUDN Journal of Law 424 <https://doi.org/10.22363/2313-2337-2024-28-2-424-435>.

⁴¹ Craig Reilly, ‘E-filing, the application of an electronic court file (ECF) and the potential for the role of the ECF for case management’ <<https://aija.org.au/wp-content/uploads/2017/07/Reilly.pdf>> accessed 30 June 2025.

⁴² Federal Court of Australia, ‘eCourtroom’ <<https://www.fedcourt.gov.au/online-services/ecourtroom>> accessed 30 June 2025.

connectivity within their premises, which creates a hurdle for the litigants to attend court proceedings online and does not allow them to use other online services such as E-filing of a case or E-payment. Some courts do not provide links for joining video conferencing in the cause list, while some have not yet adopted online case filing and hearing cases in a hybrid mode.⁴³

2. Biasness

It was noticed by the Supreme Court that hearing of cases through the Hybrid mode was made available only to some senior members of the bar due to which the young lawyers suffered due to lack of infrastructure and facilities. Hence, the Supreme Court, in *Sarvesh Mathur v. The Registrar General, High Court of Punjab and Haryana*⁴⁴ issued directions to the courts requiring them not to deny any lawyer or litigant access to video conferencing or hybrid hearings, and to provide necessary facilities required for the same.

3. North-East States

Although the E-court MMP has been introduced nationwide and is applies to all states, courts in the North-Eastern states are lagging behind when it comes to implementation. There are many reasons for it, including a lack of internet connectivity and, lack of proper infrastructure. As per the latest data released by the government as of 2021, the number of video conferencing cabins in the High Courts of these States is the “lowest” as compared to other States.⁴⁵

4. Language Barriers

India is a multilingual country with millions of regional languages. English, which is the second most spoken language after Hindi in India, is used for official purposes. The court judgments/orders, websites made to access these judgments/orders are all primarily in English and are also available in Hindi to some extent, but those who do not know these languages cannot easily access the judgments and orders of the courts. This problem can be specifically seen in rural areas where people are not that educated and cannot read or understand English. Although translation software like SUVAS was

⁴³ *Sarvesh Mathur* (n 24).

⁴⁴ *Ibid* (n 24)

⁴⁵ Data.gov.in, ‘Year-wise Total Funds Released Courts with Video Conferencing Infrastructure such as Video Conferencing Equipment, VC Cabins, VC Licenses and Document Visualizers from 2019-20 to 2021-22’ (1 March 2023) <<https://www.data.gov.in/resource/year-wise-total-funds-released-courts-video-conferencing-infrastructure-such-video>> accessed 1 July 2025.

introduced by the Indian government, it lacks proper implementation.

5. Risk of the Use of AI

Phase III of the E-Court MMP's goal is to integrate AI into e-court services. AI presents a significant risk even if it can be useful for legal research and drafting. For example, in a recent case before the Appellate Division of the New York State Supreme, *Jerome Dewald v. IBM*, the advocate used a pre-recorded video to deliver his oral arguments, in which an AI-generated avatar spoke. The court determined it to be misleading. Thus, it might be dangerous to maintain security and privacy when there are unclear restrictions regarding the usage of AI.

6. Absence of a Standard Operating Procedure (SOP)

It was rightly noticed by the Supreme Court in *Sarvesh Mathur v. High Court of Punjab & Haryana*⁴⁶ Some High Courts acquire the necessary equipment and software for conducting online proceedings of the cases, while other High Courts, even though they possess the infrastructure they lack its implementation, and thus, when compared to fully operational High Courts, the cases dealt via video conferencing is very less. The reason behind this is that the High Courts lack an SOP, that is, a standard procedure or process consisting of step-by-step instructions on the use and operation of video conferencing tools and software, and other procedures and rules related to it.

7. Lack of Digital Literacy

Not every person can be expected to know about technology with the advancement of technology. There are regions, mainly rural areas, where people are not technologically advanced due to paucity of resources and a lack of education on technology. Digital illiteracy can also be seen in people who were born in the 90s. Moreover, as per the report of NSO (National Statistical Office), "only 26.8% of persons aged 15-24, 28.5% of those aged 15-29, and 25% of individuals aged 15 and above can simultaneously search for information online, send or receive email, and perform online banking transactions."⁴⁷ All

⁴⁶ Ibid (n 24)

⁴⁷ Sanjay Sharma, 'Only 26.8% of Indian youth in the academic age group have internet browsing skills: Can this impact quality education?' *Times of India* (16 October 2024) <<https://timesofindia.indiatimes.com/education/news/only-26-8-of-indian-youth-in-the-academic-age-group-have-internet-browsing-skills-can-this-impact-quality-education/articleshow/114280250.cms>> accessed 1 July 2025.

these things highlight the status of digital literacy in India.

VIII. SUGGESTIONS

1. Uniform Video Conferencing Platform

The platforms that are currently in use in conducting video conferencing in India are Cisco WebEx, Google Meet, Zoom. These platforms are clearly not based in India and are third-party platforms. This poses a risk to the confidential information that has been discussed in a particular case or privacy breach as regards the parties to the dispute. To curb this risk, the Indian government should come out with a unified platform for conducting video conferencing all over the country. Although one Bharat VC, which is a unified platform developed by India to conduct video conferencing, is under trial, it should be brought into force as soon as possible to avoid any future casualties.

2. User-friendly Interface

Often, a number of difficulties are faced by individuals, especially those who are not technologically advanced. To avoid such challenges, the e-court portals and e-filing platforms, and every other platform providing legal information related to court e-services, shall be made user-friendly. The websites and software should come up with instructions and guides on how to use the portal to its maximum benefit, step by step, and should be available in every language, so that even a person who doesn't know Hindi and English could easily use it.

3. Involvement of private parties

The government should invite private parties to fund their projects. With the availability of ample funds, widespread implementation of initiatives can be possible in a timely manner. With funds, more initiatives can also be thought of. Adopting models like Public Private Partnerships (PPP), the government can collaborate with tech companies that can develop software and bring solutions to the issues that the government faces in implementation of technology in court hearings such as cyber security and safety concerns, confidentiality of court's crucial data, accessibility of technology in rural areas, etc.

4. Proper Training and Digital Literacy

The majority of people in India lack digital literacy, especially in the North-east and rural areas. A significant disparity exists between rural and urban areas in terms of the effective use of technology. To

realise the vision of a digital and developed India, as set forth by the Modi government, it is important that the government should conduct training programs and allocate required resources to such areas. It is also to be considered that the training programs are either free of cost or reasonable so that those not economically well off are not left behind. Moreover, when it comes to training, court staff, lawyers, and judges should be well equipped with the technology and should be trained to use online tools and software specifically launched for making the delivery of justice smooth and efficient.

5. Clear guidelines on AI use

With the growing prevalence of AI, it has also entered the legal system. Not just lawyers, Judges have also started using AI tools and platforms for deciding on key aspects of the matters. For instance, the Punjab and Haryana Court for the first time used ChatGPT to decide whether the accused charged of assault and murder should be granted bail or not. The bot considered presumption of innocence and said since offence of assault and murder is a violent crime they may be considered a risk for the community and thus the judge must be less inclined to grant bail to the accused. The instance of Jerom Dewald case and this case, along with many such instances and cases where lawyers instead of researching judgements themselves relies on AI bots that comes out with judgements that does not even exist, it is high time that the courts come out with clear guidelines on AI use in courts.

IX. CONCLUSION

The Introduction of E-courts in the legal system is a significant step towards making the justice delivery system more accessible, transparent and efficient. Introduction of ICT in the legal system including the adoption of tools and software like Video Conferencing, Case Information System (CIS), National Data Judicial Grid (NDJS), E-Sewa Kendras, Cloud Computing was an important step in achieving this goal. While the third phase is ongoing, the two phases have been implemented successfully with impressive results. The initiative is also in line with the vision of VIKSIT BHARAT, which aims to make India a developed country by 2047. A number of court judgements and contributions made by the different justices of the Supreme Court and initiatives by the government led to the development of this system. This led to a number of legal reforms including addition of provisions related to video conferencing and electronic evidence in the new criminal laws and reforms in civil proceedings too where recordings of E-courts can be done through audio-video electronic means and other developments.

This shift in the justice delivery system is not only limited to traditional

courts but also to tribunals and out of court settlement with the introduction of Online Dispute Resolution (ODR). Various platforms were introduced for ODR by both private parties and the government such as SAMADHAAN, E-ADR, CADRE, SAMA, etc. Not just in India, ODR has gained popularity in different countries like the UK, Canada, Europe.

The aim of modernising courts is not just limited to India; it has become a global commitment. By analysing the e-courts services system in countries like the UK, US, Canada, South Africa and Australia, it can be observed that the electronic services for access to courts online is not very different from India. Like India, these countries also provide for an e-filing portal, case tracking system, public access to court information with its own limitations and structure of courts of each country.

While the shift is promising, real success lies in addressing the issues that can hamper its effectiveness. Major challenges include connectivity issues, lack of digital literacy, Lack of proper guidelines for the use of AI among others. Although the E-Court initiative is an important revolution in the legal system of India, addressing these challenges would enhance the efficiency and transparency of the justice delivery system, ensuring the fulfilment of an individual's fundamental right to a speedy resolution of cases, as guaranteed by the Indian Constitution.