

A Study on E-Court System in Sagar District

Dr. Mukesh Kumar Chaurasia¹, Anuva Ahluwalia²

¹Faculty, Dept. of Criminology & Forensic Science, Dr. Harisingh Gour University, Sagar, MP

²Research Scholar, Dr. Harisingh Gour University, Sagar, MP

Abstract:

Receiving equitable treatment within the judicial framework is an inherent entitlement for all citizens of our country, within the framework of the constitution and laws laid down from time to time. However, the dispensation of justice is frequently prolonged due to the considerable backlog of cases in various tiers of the legal hierarchy. One of the significant reasons for this delay in justice is the citizen-to-judge ratio. With COVID in effect, the backlog of cases increased significantly, according to the NJDG census of 2023. To harness the momentum of technological advancements in the judicial sector. The e-court project was initiated in 2007. The objective of this project is to establish a justice delivery system through ICT, characterised by transparency, accessibility, efficiency, timeliness, and affordability, accessible to all citizens.

The focus of this research was to understand the workings and functioning of the e-court system at the District & Session Court of Sagar and to check the awareness of the judicial sector and general public about the e-court system. The study employed the descriptive research method to fulfil its objectives.

Keywords: Human Rights, Pending Cases, ICT, E-Court.

INTRODUCTION

“Justice delayed is justice denied.” said the British prime minister William E. Gladstone. This statement is very much true for Indian Judiciary. Almost 44 million cases are pending in Indian courts. (NJDG,2023). In order to speed up the disposal of cases, Indian Judiciary has started, on the initiatives of the Hon’ble Supreme Court of India, various projects to take help of the Information and Communications Technologies (ICT) in the judicial sector. It is important to understand the potential reasons for the delay before seeking any solutions on the problem.

One of the reasons for pendency in Indian courts is high citizens to judge ratio. According to a study, there is one judge per 73,000 citizens. The same study also reveals that in most of the High Courts of India, on an average a judge spends around 2.5 minutes to hear a case and about 6 minutes to decide a case. This clearly implies that human capacity is a bottleneck in the battle against slow justice as the judges are outnumbered by the number of cases that they have to handle. This puts pressure on judges and is known to be one of the primary reasons for mental stress of judges (CJI Breakdown, 2016). It has been pointed out by one of the Chief Justice of India that the number of judges need to be increased drastically. Apart from appointing additional judges, more scientific ways of fast justice for common human of India are to be sought so that the cases can be decided in a timely manner, without compromising on the quality of justice.

The information and communication technologies (ICTs) permeate almost every aspect of our life. The information technology coupled with rapid advances in communication has proved to be a powerful tool

for good governance initiatives. Administration of Justice, being the part and parcel of governance, hence judicial system too is not an exception to the use of ICTs. The use of information and communications technology is imperative to enhance the quality of justice, reduce congestion in courts and ensure timely disposal of cases. Several countries including European Union, United States and Canada have been successful in implementing ICTs in judiciary, and have noted encouraging outcomes. aimed at providing necessary hardware and software applications to enable courts to deliver e-Services, and to enable the judiciary to monitor and manage the functioning of courts, through which administration of justice can be made more and more efficient. The courts are envisaged to provide a host of e-Services such as - case filing, certified copies of orders and judgments and case status, to litigants and public at large through the e-Courts portal (<http://www.ecourts.gov.in>).

Currently, litigants can access case status information in respect of over 4.4 Crore pending and decided cases. Litigants and lawyers are also provided services through Judicial Service Centre at the court complexes such as Case Filing, Certified copies of orders and judgments, Case status etc. The portal has been linked to the e-Taal, which is a web portal for dissemination of e-Transaction statistics of Central and State level e-Governance Projects including Mission Mode Projects, and the portal has recorded 24.11 Crore transactions so far, which is among top five if not the highest among all other e-Governance Projects.

DEVELOPMENT OF E-COURT

The development of e-court system can be traced from the year of 1997. In 1997, NIC first attempted the computerization of all district courts on the same lines as the High Court computerization project under a Centrally Sponsored Scheme, and failed. The project had sought to streamline judicial administration, increase transparency and provide lower court judges access to legal databases. The next attempt to computerize a limited number of subordinate courts was carried out in two stages. The first stage covered 700 city courts in four metropolitan cities and the second stage covered an additional 900 courts in state capitals or in cities where High Courts are located. During 2001-2002, under the first phase of this project, a centrally-funded pilot for the computerisation of all city courts in the four metropolitan cities of Delhi, Mumbai, Chennai and Kolkata, was sanctioned by the Centre.

In 2004, the then Chief Justice of India (CJI), R.C. Lahoti, proposed to the Government of India to compose an e-Committee to assist him "in formulating a National Policy on computerization of Indian Judiciary and to advise on technological, communication and management related changes". On December 28, 2004, the Ministry of Law and Justice constituted a committee under the chairmanship of G.C. Bharuka, a retired Judge of the High Court of Karnataka, with three other specialists. This committee prepared the report on Strategic Plan for Implementation of Information and Communication Technology in Indian Judiciary which was submitted to the CJI on May 11, 2005.

The e-Courts Mission Mode Project was approved in February 2007, as a "national e-Governance project for ICT establishment of district/subordinate courts in India", with the objective of providing "designated services to litigants, lawyers and the judiciary through the ICT enablement of courts."

RELEVANT GLOBAL INITIATIVES

Many studies have been conducted and initiatives taken throughout the world to use ICT in order to enhance the functioning of government bodies. Following are some of the initiations taken by different countries:

a) EUROPEAN CASE LAW IDENTIFIER (ECLI)

On the initiatives of the European Union Council of Ministers, the European Case Law Identifier (ECLI) was introduced (Opijnen, 2011). The rationale behind the initiative was to provide a uniform metadata for case laws, to help in legal information retrieval. The idea is that once the courts arrive at a question of law, they are advised to look for the similar cases that have already been pronounced by the other courts in European Union. For example, if a case appears in the courts in Spain, and if such a question cannot be satisfactorily settled by the cases decided in Spain, then the relevant cases in the member countries of European Union should be searched. Since the idea of its adoption in December 2010, the project has come long way and now it is expected to gain even more momentum (Marc, 2016). The greater issues with implementation of ECLI was that multiple governments have to collaborate to make it a reality. On the other hand, all of e-Courts project in India under one authority so it is relatively easier administratively. So, the success of e-Courts and NJDG should be seen in near future. More initiatives in Europe can be found in (Velicogna, 2007).

b) THE UNITED STATES SUPREME COURT DATABASE (SCDB)

The United States Supreme Court Database (SCDB) was created by Prof. Harold J. Spaeth with a grant received from the National Science Foundation of the United States (Spaeth, 2014). The data was made available publicly in 1980s and since then the data has been continuously improved. The data has been designed to be providing data and information for researchers belonging to various different communities, including but not limited to law professors, humanists, policy makers, journalists, even some social scientists, and undergraduates and law students. The data includes and classifies every single vote by a Supreme Court Justice in all argued cases over more than a period of five decades. Recently the data has been used by computer scientists to study and predict the outcome of the cases (Katz, 2016). It is worthwhile to note that if such a database can be built for Indian Judiciary, then it can help to reduce the backlog of cases.

c) SUPREME COURT OF BRAZIL

The Brazilian Supreme Court faces similar load as the Indian Supreme Court in terms of the number of cases. Since 1988 more than 1.5million cases have reached the court, which is comprised of eleven Justices, mostly through appeal. The project Supremo 2.0 aims that visualization of the high number of cases in a more interactive manner. In (Chada, 2015), the authors have presented an architecture for the visualization.

The countries which have taken the initiation to set up a system similar to an e-court with the help of ICT can be easily seen in the Malaysian judicial system, in the Kenyan government, and in an e-Judiciary platform made for a rural community in the Eastern Cape Province of South Africa.

THE E-COURT PROJECT

The e-Courts Integrated Mission Mode Project, e-Courts Project, in short, is one of the National e-Governance projects implemented in the District and subordinate courts since February 2007. The project aims to provide necessary hardware and software applications to enable courts to deliver e-services, and the judicial officers to monitor and manage the courts' functioning.

This project is based on the 'National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary (2005), which was prepared by the e-committee of the Supreme Court of India to transform the Indian judiciary by enabling ICT in the courtrooms.

The main objective of this project is to bring technological advancements to the functioning of the courts. Further, it strives to provide a transparent, accessible, efficient, time-bound, and cost-effective justice delivery system to all citizens through ICT.

The proposed activities of the e-courts project are divided into three parts:

I) PHASE – I

Phase I of the e-Courts project operated between 2007 and March 2015. During this phase, necessary hardware was installed, local area networks were created and Case Information Software (CIS) "developed and made available for deployment at all computerised courts". Judicial officers across the country were trained in the use of CIS and courts began to launch websites that could be used by stakeholders. In 2013, the then CJI P. Sathasivam, launched the e-Courts national portal. This digital gateway provided case status, cause lists and, from time to time, uploaded reportable judgments and orders.

In Phase-I of the e-Courts Project beginning from 2007, a large number of Court Complexes, Computer Server Rooms and Judicial Service Centres were readied 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.

II) PHASE – II

The Policy and Action Plan Document Phase-II of the e-Courts Project, received approval of Hon'ble the Chief Justice of India on 8th January 2014. The government of India sanctioned the project on 4th August 2015. 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 e-Committee, 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 centres 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.

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.

Under Phase II of the e-Courts project (approved by the CJI on January 8, 2014, and sanctioned by the Government of India on August 4, 2015) additional hardware were installed, Free and Open-Source Solutions (FOSS) were used to deploy the required software and all court complexes were connected to jails via desktop video conferencing. Information on court websites was made available in local languages, kiosks were set up in courts to assist in its usage and online payment gateways were introduced. Phase I of the e-Courts vision project concluded by March 30, 2015. By 2019, 75.5 per cent of the objectives laid out in Phase II were reported as being accomplished.

III) PHASE – III

In April 2021, the e-Committee came out with a draft Vision Document for Phase III of the e-Courts project, (Draft) Digital Courts: Vision & Roadmap - Phase III of the e-Courts Project. The objective of the draft Vision Document is to "conceptualize a futuristic judiciary that facilitates better access to justice." It calls for the use of technology to address challenges of access to justice.

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 analysed 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. Still the progress is ongoing in order to make the system more and more efficient.

REVIEW OF LITERATURE

Kshitiz Verma. (2018) enumerates the efforts made by the Supreme Court of India and proposes a road map of how the existing Information and Communication Technology (ICT) can help Indian judiciary to evolve as more technology driven with increased transparency. The main drive behind the efforts made by the Supreme Court is through e-Courts project. The Government of India has unleashed huge amount of funds to enhance the rate of justice and reduce the piling up of huge number of cases in the courts in India. Various steps have been taken to utilize the power of the Internet to ease the life of the litigant and all the other stakeholders in the process. The efforts are specially targeted to help the poor. The e-Courts project has led to scanning, digitization and digital preservation of case records, enabling video-conferencing for courts and jails, etc. A major outcome of the e-Courts project is the National Judicial Data Grid (NJDG). It provides an online, real-time information on around 25 million pending cases in Indian courts are various levels. This paper also provides insights in the potential of ICT to be able to go far beyond than what is proposed in the e-Courts project. The e-Courts project has mainly provided a platform for the consolidation of the ICT infrastructure in the courts. In order to be able to use all this

computing machinery efficiently, more services, beyond as envisaged in the e-Courts project have to be developed.

Prakash, Mohanty, Gupta & Jain. (2011) discusses the challenges faced by law agencies, such as police, jails, forensic labs, and hospitals, in extracting information from accused, undertrials, and evidence, and the difficulties faced by experts from hospitals and forensic labs in presenting their investigating reports in front of courts. The article highlights the need for ICT to help and develop a Case Record Management System for the courtroom and to conserve the case file and audio/visual record for future references. It also discusses the features of the entire courtroom proceeding, which are video graphed, and the use of digital signature and encryption for the integrity of documents. It further mentions the e-courts project, which is a pan-India project monitored and funded by the Department of Justice, Ministry of Law and Justice, Government of India. The e-courts project aims to provide efficient and time-bound citizen-centric service delivery, develop, install and implement decision support systems in courts, automate the processes to provide transparency of information access to its stakeholders, enhance judicial productivity both qualitatively and quantitatively, make the justice delivery system affordable, accessible, cost-effective, and transparent, and make policy for managing caseloads for effective Court Management and Case Management System. It also discusses the e-filing system, which allows lawyers and litigants to access and upload documents related to the cases from any location 24X7, which makes coming to the court for filing of papers unnecessary. The article concludes by stating that the use of ICT in the judicial system is important and beneficial, but there is a need to identify the current challenges in ICT to improve the technology and make sure that no one faces any problems.

Anand. (2021) discusses the impact of the COVID-19 pandemic on the Indian judiciary and the adoption of virtual courts to ensure access to justice. The article highlights the launch of India's first virtual court in Faridabad in 2019 and the release of the Official Multilingual Mobile Application of the Supreme Court of India to provide real-time access to case status, review screen, judgments, daily orders, etc. The article also mentions the e-Courts project, which was launched in 2007 to implement the e-Courts Information Systems in Indian Courts. The e-Courts project aims to provide efficient and time-bound citizen-centric service delivery, automate processes, enhance judicial productivity, and make the justice delivery system affordable, accessible, cost-effective, and transparent. The article concludes by stating that virtual courts have emerged as a significant change to the Indian judicial system, and much technical advancement has been made in the judiciary, such as capturing testimony by video conferencing.

Rattan, Rattan. (2021) discusses the challenges faced by the Indian justice and court administration system during the COVID-19 pandemic. The article highlights the reservations of the Bar and the major hurdles facing the court administration post-COVID 19. The Indian government began implementing the e-Courts Project in 2007 to provide efficient and time-bound citizen-centric service delivery, automate processes, enhance judicial productivity, and make the justice delivery system affordable, accessible, cost-effective, and transparent. The e-Courts project includes e-Filing, which provides a platform for advocates and litigants to file their cases online before High Courts and District Courts. The use of Open-Source Technology is also a part of the e-Courts project.

Mahibha, Balasubramanian. (2020) provides an analysis of the e-Courts project in India and its significance in the justice delivery system. Here are some key points from the article:

1. The e-Courts project was launched in 2007 as a citizen-centric initiative for expeditious and affordable justice delivery in India.

2. The project aims to provide efficient and time-bound citizen-centric service delivery, automate processes, enhance judicial productivity, and make the justice delivery system affordable, accessible, cost-effective, and transparent.
3. The e-Courts project includes e-Filing, which provides a platform for advocates and litigants to file their cases online before High Courts and District Courts.
4. The article analyses the various dimensions involved in the e-Courts process and explains its significance in the justice delivery system in India.
5. The article also looks at the various challenges of implementing such a vast system across the judicial system of India.
6. The e-Courts project is a part of the Indian Judiciary System's adoption and widespread use of ICT.
7. The article concludes by stating that the optimum use of technology is not a long way ahead and is here to stay, and there is a need to identify the current challenges in ICT to improve the technology and make sure that no one faces any problems.

The article provides a critical analysis of the e-Courts project in India and its significance in the justice delivery system. It highlights the various dimensions involved in the e-Courts process and the challenges of implementing such a vast system across the judicial system of India. The article concludes by emphasizing the need to identify the current challenges in ICT to improve the technology and make sure that no one faces any problems.

Swamynathan. (2022) discusses the importance of computerization in the Madras High Court for e-governance and e-court. The author argues that computerization is necessary to improve the efficiency and effectiveness of the court system. The article highlights the benefits of computerization, such as reducing the time and cost of court proceedings, improving access to justice, and enhancing transparency. The author also discusses the challenges of computerization, such as the need for adequate infrastructure and training. Overall, the article emphasizes the importance of computerization in the court system to ensure the delivery of justice in a timely and efficient manner.

Soundari, Pradheep, Praveen Raj. (2022) discusses that E-Court system is used to govern digitally the electronic data, records of the court. This system helps in the advancement of judicial delivery effectively. E-court is an idea to maintain the exact document of each hearing for each case that is provided by the Court. The Advocates and Users, who are involved in the case have access to view the case document and know their next hearing dates or their verdict. Users can easily view advocate details by just sorting with the type of advocate and location, and the user can view the advocate total cases and winning cases which makes advocate selection easier. This reduces the loss of data due to hard copy damage for the advocates and courts, Users can completely track their case hence there is no wrong communication or wrong data transfer between the party and advocate. The primary target of this application is the advocates and the Client(users). The Advocates faces a complicated problem of maintenance of case files and documents. Hence, This Application provides an Easy Solution for the maintenance of documents. The User face problem in the selection of advocates which is made easier by showing the correct details of the advocates and his/ her history on cases and User can easily view their case documents, he/she can easily review his or her case without the help of advocates.

RESEARCH METHODOLOGY

The methodology is often defined as a set of principles and ideas that demonstrate the design of a research study. According to Dawson (2019), a research methodology is the primary principle that will guide your

research. It becomes the general approach in conducting research on your topic and determines what research method you will use.

OBJECTIVES OF THE STUDY:

The following are the objectives of this study:

- To understand the working and functioning of the existing e-court system in District & Session Court, Sagar.
- To identify and analyse the challenges and issues hindering the effective implementation of e-court system.
- To find futuristic advancements that could be helpful in the e-court system.

RESEARCH DESIGN:

This study employed the descriptive research method, where the researcher has made a critical assessment of the content using facts or information that were already available and that were subjected to examination.

UNIVERSE OF THE SAMPLE:

The universe of the sample of this study are people living in the Sagar district.

SAMPLE AND SAMPLING:

The sample of this study are as follows:

1. Advocates
2. Judicial staff
3. Police force
4. General public
5. Victim and witness

Quota purposive sampling and random sampling was used to gather data for the study.

DATA ANALYSIS:

The data was analysed by using Statistical Package for Social Sciences (SPSS). The results of the analyses have been presented in pie charts and bar graph. The results and discussion in the following chapters were largely explained using straightforward percentage.

FINDING

It is evident from the data gathered that the District and Session Court of Sagar's e-court system and its services were unknown to half of the respondents. Many of them think there are no infrastructure obstacles facing the e-court system. The court has an adequate amount of technical personnel on hand to manage service issues. Many of the respondents agree that the four pillars of criminal justice system have immense knowledge regarding the computing system that works in the e-court services. Regarding upcoming developments, the respondents think that the application of artificial intelligence, the growth of electronic filing, and the establishment of virtual courts in Madhya Pradesh's outlying areas could improve the efficiency of the e-court system and thus aid in reducing the backlog of cases that are still pending there.

LIMITATIONS

The limitations of this research were a lack of time and cooperation from the general public. For better representation and comprehension of the research issue, the sample size and composition could potentially be expanded through in-depth examination and discussions with various research guides and academics.

CONCLUSION

The 103rd Report submitted to the Parliament of India by the Rajya Sabha defined virtual courts, online courts, and online dispute resolution by citing Richard Susskind's book titled "Online Courts and the Future of Justice".

Virtual courts are where the following things are done digitally:

- Filing of the plaint and other documents,
- Payment of court fees,
- Submitting evidences,
- Hearing arguments through VC,
- Witnesses giving their testimony over video conference, and,
- The judge decides the case, either from the courtroom or any other place.

Moreover, a copy of the judgment or order passed by the judge is made available online on the website of the court or through some other electronic means. In virtual hearings, the judge, advocates, litigants, and witnesses need to be available at the time of the hearing. While in online courts, it need not be the same, the participants of the case need not be present at the same time.

The main objective of the e-Court Project is to bring technological advancements to the functioning of the courts. Further, it strives to provide a transparent, accessible, efficient, time-bound, and cost-effective justice delivery system to all citizens through ICT.

Inferring from the data, the conclusion of the whole research comes down to that the majority of the respondents are not aware of the e-court system and legal proceeding in general. But many of the respondent believe that e-court system could fast-track the pending case in the court, give training to the newly appointed staff in the court and takes measures of handle the infrastructural challenges being faced by the court like lack of space, lack of technology and network connection. Training on digital equipment should also be made essential for the older staff in the courts as they are a bit unaware of the usage of technology.

For the futuristic approach expansion of e-filing and virtual courts could be seen in different cases and courts; and in the remote areas of the country. Recently in the Gram Panchayat of Madhya Pradesh the employment of e-court was made necessary.

RECOMMENDATION

It can be suggested that the state or the state's legislation take enough actions to educate the people about court procedures by adding a course on law and justice to the school curriculum. Additionally, the state ought to start educating people in rural areas about technology and computer science.

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