

Digital Courts and the Future of E-Litigation in India: Opportunities, Challenges, and the Road Ahead

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ABSTRACT

The digital transformation of Indian courts is altering the manner in which proceedings are commenced, administered, heard, and archived. E-filing, electronic case records, video-conference hearings, online payments, digitally issued orders, and data-driven case management now form an increasingly connected justice-delivery ecosystem. This paper examines that transition through the e-Courts Mission Mode Project, the National Judicial Data Grid, virtual courts, e-Sewa Kendras, and emerging forms of online dispute resolution. It argues that technology can widen access, improve institutional visibility, reduce transaction costs, and support more consistent court administration; however, these gains are not automatic. Unequal connectivity, limited digital literacy, cyber threats, privacy concerns, evidentiary reliability, open-court requirements, and the quality of remote participation remain significant constraints. The study also considers the legal recognition of electronic records under the Information Technology Act, 2000 and the contemporary framework of the Bharatiya Sakshya Adhiniyam, 2023. Comparative experience from Singapore and the United Kingdom demonstrates that successful digital justice depends on integrated platforms, assisted access, secure design, and workable non-digital alternatives. The paper concludes that India should pursue a hybrid, rights-conscious model in which technology strengthens rather than substitutes the constitutional values of fairness, accessibility, transparency, and reasoned adjudication.

The analysis treats digital justice as an institutional reform project rather than a collection of isolated software tools. Its central concern is whether technological design, procedural rules, professional training, and public assistance can operate together without excluding persons who lack reliable devices, connectivity, language support, or technical confidence.

Accordingly, the paper recommends interoperable court systems, strong information-security governance, privacy-by-design, standard protocols for electronic evidence, continued assisted filing, calibrated use of virtual hearings, and periodic evaluation based on user experience and justice outcomes.

Keywords: Digital Courts; E-Litigation; Virtual Hearings; National Judicial Data Grid; Electronic Records; Online Dispute Resolution; Access to Justice

I. INTRODUCTION:

The administration of justice has traditionally been associated with a physical courtroom, paper pleadings, manual registers, and in-person appearances. Information and communication technologies have progressively unsettled that model. A modern court may now receive pleadings electronically, maintain a

digital case file, communicate procedural directions online, hear selected matters through video conferencing, and publish orders through integrated portals.

In India, this movement developed principally through the e-Courts Mission Mode Project, a joint institutional effort of the Department of Justice, the e-Committee of the Supreme Court, and the High Courts. The pandemic accelerated remote hearings and online filing, but the deeper significance of digitisation lies beyond emergency continuity. It offers an opportunity to redesign court services around accessibility, transparency, and reliable information flows.

Phase III of the e-Courts Project marks this broader ambition. It seeks a unified technology platform, digitisation of current and legacy records, wider e-filing and e-payment, expanded e-Sewa Kendras, and intelligent systems that can support administrative decisions. The reform must nevertheless be measured against constitutional standards. A system is not genuinely accessible merely because it is online; it must also be usable, secure, intelligible, and fair.

This paper answers three main questions:

1. What is the current system of digital courts and e-litigation in India?
2. What problems slow down full digital litigation?
3. What reforms are needed to ensure fairness, security, and inclusion?

II. UNDERSTANDING DIGITAL COURTS AND E-LITIGATION:

2.1 Concept of a Digital Court

A digital court is not simply a conventional court equipped with computers. It is an institution in which information is created, verified, exchanged, processed, and preserved through coordinated electronic systems. Its functions may include registration, scrutiny, listing, service, hearing, evidence management, order preparation, certification, payment, and public access to case information. The quality of a digital court therefore depends as much on procedural redesign and governance as on hardware or software.

2.2 E-Litigation

E-litigation describes the electronic conduct of a proceeding across its life cycle. It may begin with online institution of the case and continue through digital scrutiny, exchange of documents, case management, remote or hybrid hearings, presentation of electronic material, online payment, delivery of orders, and archival access. Its objective is not merely to convert paper into scanned files, but to remove avoidable repetition, improve traceability, and make procedural steps easier to understand.

- Online filing of cases
- Digital case files
- Virtual or hybrid hearings
- Electronic evidence
- Online orders and certified copies

The purpose is not just speed, but to redesign how courts function and reduce delays and confusion.

2.3 India's Digital Journey

India's transition has advanced incrementally. The early phases concentrated on computerising district and subordinate courts, providing local networks, deploying the Case Information System, and enabling basic online services. The present phase is more ambitious: it treats digital infrastructure as a common judicial platform, emphasises paperless workflows and citizen-facing services, and seeks data-supported administration without displacing judicial discretion.

- **Phase I & II:** Computerisation, internet connectivity, and basic online services

- **Phase III:** Fully paperless courts, digital old records, cloud systems, e-Seva Kendras everywhere, and smart systems for scheduling cases

III. DEVELOPMENT OF DIGITAL COURTS IN INDIA:

3.1 e-Courts Mission Mode Project

The e-Courts Mission Mode Project provides the principal national framework for judicial digitisation. The Department of Justice funds and monitors the programme, the Supreme Court's e-Committee supplies policy and technical direction, and the High Courts implement it within their jurisdictions. This decentralised structure recognises the administrative authority of the High Courts while pursuing common standards for service delivery, infrastructure, case information, and training.

3.2 Phase III: A Bigger Vision

Phase III, approved as a four-year scheme from 2023, moves from basic computerisation toward end-to-end digital justice. Its stated direction includes digitising entire court records, universalising e-filing and e-payments, saturating court complexes with e-Sewa Kendras, and developing a unified platform for courts, litigants, advocates, and other stakeholders. Its success should be assessed not only by the number of installations or transactions, but by whether users experience fewer procedural barriers and more dependable outcomes.

- Complete digitisation of court records
- Online payments
- Expansion of e-Seva Kendras for public help

IV. MAJOR COMPONENTS OF INDIA'S DIGITAL COURT SYSTEM:

4.1 National Judicial Data Grid (NJDG)

The National Judicial Data Grid is a searchable repository of case-related information for district courts, High Courts, and the Supreme Court. Its dashboards display institution, pendency, disposal, age profiles, and other administrative indicators. By making aggregated information visible, the Grid supports policy analysis and public accountability. Yet data quality, consistent updating, appropriate interpretation, and protection against misleading comparisons remain essential.

4.2 Virtual Hearings

Video conferencing permits a court to conduct a hearing without requiring every participant to occupy the same physical space. The Supreme Court's 2020 directions recognised technology as a lawful means of sustaining access to justice in exceptional conditions and drew upon earlier authority accepting the recording of evidence by video link. Remote participation can be especially useful for short procedural matters, distant parties, expert witnesses, prisoners, and urgent applications, but the mode of hearing must remain sensitive to the complexity of the case and the needs of vulnerable participants.

4.3 E-Filing and Assistance Centres

E-filing enables pleadings and supporting documents to be submitted electronically, while e-payment reduces dependence on physical counters. Assisted-access centres are indispensable to this model. E-Sewa Kendras can help users scan documents, complete online steps, obtain case information, and navigate unfamiliar procedures. They convert inclusion from a policy aspiration into a practical service.

V. LEGAL SUPPORT FOR DIGITAL COURTS:

5.1 Information Technology Act, 2000

The Information Technology Act, 2000 supplies a foundational legal basis for electronic governance by recognising electronic records and electronic signatures. In the judicial context, this recognition supports online filing, digital authentication, electronic communication, and the use of computer-generated records, subject to applicable procedural rules and safeguards.

5.2 Electronic Evidence under the Bharatiya Sakshya Adhiniyam, 2023

The present law of evidence is contained in the Bharatiya Sakshya Adhiniyam, 2023, which recognises electronic and digital records and carries forward a specialised framework for proving computer outputs. The practical questions remain familiar: who created or controlled the record, whether the system operated reliably, whether the output is complete, and whether the prescribed certificate accompanies the copy where required. Earlier decisions such as *Anvar P.V. v P.K. Basheer* and *Arjun Panditrao Khotkar v Kailash Kushanrao Gorantyal* continue to be important for understanding the rationale behind certification and the distinction between an original device and a derived electronic output. Digital courts therefore need dependable preservation, audit trails, metadata controls, and clear responsibility for certification.

VI. ADVANTAGES OF DIGITAL COURTS:

6.1 Better Access to Justice

Remote access can spare litigants repeated travel, waiting time, accommodation expenses, and loss of wages. It may also enable advocates and parties located far from the forum to participate in appropriate matters. These advantages are greatest when online services are simple, available in accessible formats and local languages, and supported by reliable assistance.

6.2 Transparency

Digital case status, cause lists, orders, and aggregate court data reduce information asymmetry. They can help parties monitor progress and assist administrators in identifying bottlenecks. Transparency nevertheless requires accurate, well-explained data; publication without context can create false impressions about judicial performance.

6.3 Continuity During Crises

The pandemic demonstrated that digital systems can preserve essential judicial functions during severe disruption. That experience also revealed the value of resilient records, secure remote access, backup communication channels, and procedures that can shift between physical and virtual operation without paralysing the institution.

VII. CHALLENGES IN THE DIGITAL SHIFT:

7.1 Digital Divide

Digital access is unevenly distributed. A litigant may lack a suitable device, stable bandwidth, electricity, language support, accessible software, or confidence in using an online portal. Mandatory digital-only procedures can therefore reproduce social and economic disadvantage. Assisted filing, low-bandwidth design, mobile-compatible services, accessibility standards, and a meaningful offline alternative are necessary safeguards.

7.2 Cybersecurity and Privacy Risks

Court systems hold pleadings, identity details, financial information, witness material, and sensitive records. A breach can damage individuals and undermine trust in adjudication. Security must therefore

include encryption, controlled access, secure authentication, tested backups, vulnerability management, vendor oversight, incident response, and regular audits. Privacy principles should guide what data is collected, how long it is retained, and who may obtain it.

7.3 Fair Trial and Open Courts

A virtual hearing must still permit effective representation, confidential consultation, careful assessment of evidence, and meaningful public scrutiny. Poor audio, unstable connections, unfamiliar interfaces, or the uncontrolled presence of third persons may affect participation and testimony. Courts should therefore decide the hearing mode case by case, record reasons where necessary, and preserve physical or hybrid options when credibility, vulnerability, complexity, or evidentiary confrontation makes them preferable.

- Lawyer–client communication
- Witness influence
- Public access to hearings

7.4 Problems with Electronic Evidence

Electronic material is easy to copy but not necessarily easy to authenticate. Screenshots, downloaded messages, platform exports, CCTV footage, cloud records, and device extractions raise different questions of source, completeness, integrity, and control. Standard preservation notices, documented acquisition, cryptographic verification where appropriate, clear certification templates, and judicial training can reduce avoidable disputes.

VIII. FUTURE OF E-LITIGATION IN INDIA:

8.1 Unified and Smart Systems

A unified platform can reduce duplicate data entry and permit authorised information to move securely between filing, registry, scheduling, hearing, payment, and archival functions. Analytics may assist with workload measurement and scheduling, but any automated recommendation should be explainable, reviewable, and subordinate to judicial judgment. Efficiency tools must never determine substantive rights through opaque criteria.

8.2 Integration with Criminal Justice Systems

Interoperability with police, prosecution, prisons, forensic laboratories, legal services institutions, and other justice agencies can reduce delay and improve the traceability of records. Such connections must follow purpose limitation, role-based access, verified transmission, and auditable logs. Integration without governance may simply spread inaccurate data or expand unauthorised access.

8.3 Role of Online Dispute Resolution (ODR)

Online Dispute Resolution can provide structured negotiation, mediation, or adjudicatory pathways for suitable low-value and high-volume disputes. Its potential lies in convenience, asynchronous communication, and early settlement. It should not be treated as a compulsory shortcut: informed consent, neutrality, confidentiality, enforceability, quality control, and access to human assistance remain essential.

IX. LEARNING FROM OTHER COUNTRIES:

9.1 Singapore

Singapore's eLitigation platform supports electronic filing and management across several categories of civil, family, and Supreme Court criminal matters. Its Service Bureaus are particularly instructive: a digitally advanced system still provides assisted filing for self-represented persons and others who cannot

use the platform independently. India can draw from this combination of integrated technology and institutional help.

9.2 United Kingdom

The United Kingdom permits eligible money claims to be initiated online while retaining postal routes and assisted-digital support for users who lack internet access or confidence. The lesson is that user-centred design includes eligibility checks, clear guidance, support channels, and fallback procedures rather than assuming that every dispute or user can follow the same digital path.

X. RECOMMENDATIONS:

10.1 Preserve Inclusive and Assisted Access. Every court complex should provide adequately staffed e-Sewa Kendras, accessible interfaces, local-language guidance, and low-bandwidth options. Physical filing and in-person hearings should remain available where exclusion, vulnerability, or the nature of the proceeding justifies them.

- Expand e-Seva Kendras
- Keep hybrid hearings where physical presence is important

10.2 Establish Security and Privacy Governance. Judicial bodies should adopt common security baselines, independent testing, incident-reporting protocols, disaster recovery, role-based access, data-retention schedules, and enforceable obligations for technology vendors.

- Strong cybersecurity and access controls
- Clear data protection and privacy rules

10.3 Standardise the Electronic-Evidence Life Cycle. Courts and practitioners should use consistent templates for preservation, acquisition, certification, verification, exhibit mapping, and disclosure. Training should be practical and role-specific for judges, advocates, registry staff, investigators, and forensic personnel.

- Standard tools for Section 65B compliance
- Regular training for judges, lawyers, and staff

10.4 Use Virtual Hearings and ODR Selectively. Procedural and low-complexity matters may be suitable for digital resolution, while matters involving credibility, extensive evidence, vulnerability, or serious consequences may require physical or hybrid processes. ODR programmes should be independently evaluated for fairness, settlement quality, user experience, and enforceability.

10.5 Build Interoperability with Accountability. Common data standards and secure interfaces should connect authorised justice institutions, but each exchange must have a defined legal purpose, verified source, access controls, and an audit trail. Automated tools should remain transparent and subject to human supervision.

- Use ODR for small and high-volume cases with proper standards

XI. CONCLUSION:

Digital courts can make Indian justice more reachable, visible, and administratively coherent, but technology is not an independent measure of reform. Its legitimacy depends on whether it enables effective participation, protects confidential information, supports reliable evidence, and leaves room for judicially appropriate physical processes. Phase III of the e-Courts Project provides an important institutional opportunity because it links record digitisation, e-filing, payments, assisted services, and data-supported administration within a common vision. The next stage should therefore concentrate on implementation

quality: interoperable systems, clear procedural rules, security governance, trained professionals, accessible public services, and continuous evaluation. A rights-conscious hybrid model offers the most credible path. Properly designed, e-litigation can reduce procedural friction and strengthen open justice; poorly designed, it can create new forms of exclusion and opacity. The enduring objective must be justice that is not only faster, but also fair, understandable, secure, and accessible to every user.

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