

*De Jure*

*January 23, 2017*

# Can e-courts help Speed up justice delivery?



---

## Introduction

The current government has undertaken various measures to improve India's ranking in ease of doing business and to attract investments. The government is making steadfast efforts to ease the foreign investment norms, revamping labour laws and cut down the red tape in order to support the 'Make In India' initiative. It is significant to note that between September 2014 and November 2015, the government received proposals from the foreign companies for manufacturing electronics in India worth Rs 1.20 lakh crore, which indicates a positive growth trend in the economy. The government has also amended the Arbitration and Conciliation Act, 1996, which, inter alia, will provide quick remedy to parties for resolving the disputes. Further, they have introduced Commercial Courts Act, 2015 which will have jurisdiction over commercial disputes. Another step in this direction is the "e-court project".

## The concept of e-courts



An e-court or Electronic Court means a location in which matters of law are adjudicated upon, in the presence of qualified Judge(s) and which has a well-developed technical infrastructure. An e-court is, however, different from a computerised court. In the case of e-court, everything is done in an "online environment" through the use of Internet and other Information and Communication Technology (ICT), whereas a computerised court is nothing more than a court having computers and basic level hardware and software.

The e-courts project is about providing ICT so as to enable courts to make justice delivery system affordable and cost-effective. This would be beneficial for both improving the court processes and rendering citizen-centric services. E-courts are aimed to make legal processes easier and more user friendly. In an e-court, the entire work is executed digitally, wherein, the information that is shared and generated is stored as a database and synched to a particular software. This software can be accessed by litigants, judges and advocates. The primary intention of e-

---

---

courts is to make the justice delivery system affordable, transparent, speedy and accountable by limiting the paper filings. The key advantages of establishment of Electronic Courts in India is bringing in a justice serving mechanism that is transparent, efficient, affordable, time saving, protects the interests of witnesses, reduces the backlog of pending cases and most importantly reduces the number of unscrupulous activities.

The e-courts project has been conceptualised on the basis of the "National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary -2005" prepared by the e-committee of the Supreme Court of India. The e-committee was formed in 2004 to draw up an action plan for ICT efficacy of the judiciary under the chairmanship (Chief-cum-adhoc Chairman) of the Chief Justice of India. The Cabinet Committee of Economic Affairs (CCEA) first approved the e-courts project, i.e., computerisation of the Indian judiciary, on 8 February 2007. The current version of the project was approved in September 2010. The project is being implemented by the National Informatics Centre (NIC). This project will allow the courts to deliver the services to the citizens with the help of internet.

Further, the Government has also initiated E-Court Integrated Mission Mode Project which was launched with the objective of improving access to justice with the help of technology. The phase I of the project provides for upgradation of ICT infrastructure in the Supreme Court and High Courts and ICT enablement (hardware and software) to cover 14,249 district and subordinate courts located in 3,069 court complexes across the country. Phase II, which is currently in progress, aims at setting up of centralised filing centres, digitisation of documents, adoption of document management systems, creation of e-filing and e-payment gateways. However, there is lack of awareness about the potential of e-court project among judges as well as public at large.

To set the ball rolling, India's first e-court was opened at High Court of Judicature at Hyderabad on July 17, 2016.

## **The possible challenges that could arise while setting up e-courts**

While e-courts are a positive step towards ensuring speedy justice for the litigants, ensure easy and better access to justice for public and also provide solution for large number of pending cases in the country, the proposition of e-courts raises multiple challenges. These challenges include the lack of coordination, communication between various departments, training large number of employees, lack of technical manpower in courts and awareness amongst litigants, advocates and their acceptance to the system change.

---

---

E-courts will also prove to be cost intensive as setting up state of the art e-courts will require the deployment of new age technology. In the long run, e-courts may face the issue of lack of funds. While on the topic of technology, a huge concern will be the cyber security threat. Though the government has initiated remedial steps to address this problem and formulated the Cyber Security Strategy but it is more on the side of prescribed guidelines alone. The practical and actual implementation of the same is still missing.



Lastly, we can also expect challenges related to insufficient infrastructure and non-availability of electricity and internet connectivity in most of the Talukas/villages.

### **Solutions to address the challenges:**



To address the aforementioned challenges we can first and foremost draw up policy for encouraging setting up of e-courts. It is critical to draw up a well-defined and pre-decided framework as it can help in laying a concrete roadmap and direction to the e-courts scheme of India. Another solution to address e-court related challenges would be to upgrade the present state of infrastructure. The present judicial infrastructure does not support establishing the e-court project. The government needs to identify and develop the infrastructure that would be required to support the e-court project.

One aspect that needs to be focussed on is the deployment of a robust security system that provides secure access to case information for appropriate parties. The security of e-courts infrastructure and system is of paramount importance. Also, user friendly e-courts mechanism, which is simple and easily accessible by the common public will encourage litigants to use such facilities in India.

The government must also make dedicated efforts in the training of personnel to maintain all the e-data. These include maintaining proper records of e-file minute entries, notification, service, summons, warrants, bail orders, order copies, e-filing etc. for ready references. Also,

---

---

conducting training sessions to familiarise the Judges with the e-courts framework and procedure can give a huge impetus to the successful running of e-courts.

Lastly, creating awareness around e-courts would through road shows and seminars can help bringing to light the facilities and the ease that e-courts can bring in.

## The way forward for Indian litigation and arbitration

In India, a significant amount of time is spent in resolving disputes which has been the real bane of the Indian judiciary system. The e-courts project, if implemented, would go a long way in saving costs and time for the litigants. The project needs to be encouraged all over India since presently there is only one e-court set up which is the Hyderabad High Court.

The present government is taking active steps to establish e-courts all over India. All these government efforts will result in providing quick and cost effective solutions to the litigants. The judiciary system in India with the help of e-courts

can overcome the challenges and make the service delivery mechanism transparent and cost efficient. The e-courts will also benefit the judicial system and will provide flexible retrieval of stored information. This will allow judges to view the proceedings of a previous case or to retrieve other important documents at the click of a button. Data sharing between different courts and various departments will also be made easy as everything would be available online under the integrated system. With the help of video conferencing, the accused and the witnesses can be made to participate in the proceedings from various locations other than the courtroom. This will, to a certain extent, reduce the time required to solve the case and will also be cost effective.

Further, the e-court project also requires the executive and the judiciary to reaffirm their resolve to support a speedy, efficient and quality justice delivery in the country. It is also important to discuss steps required to surmount the various challenges facing the justice system.

---



---

Solutions that will address the challenges such as inordinate delays in disposal of cases in courts, facilitating access to speedy resolution of commercial disputes by economic operators, making the justice system user friendly and affordable to all and improving the quality of legal aid services in the country would be imperative to drive the functioning of e-courts.

Establishing e-courts can bring transparency and accountability in the judicial system as they can bring a lot more judicial reforms in India while helping in dealing with the long pending cases. E-courts will prove to be a major step in the evolution of India's legal framework and will play a major role in boosting the confidence of domestic and foreign businesses as they explore investments in India.

***Contributed by:***

**Devesh Juvekar:** [devesh@rajaniassociates.net](mailto:devesh@rajaniassociates.net)

**Archan Shah :** [ashah@rajaniassociates.net](mailto:ashah@rajaniassociates.net)

---

---

## AREAS OF PRACTICE

| Capital Markets | Private Equity | Mergers and Acquisitions | Corporate Litigation & Arbitration | Projects & Project Finance |  
| Real Estate & Trust | Corporate & Commercial | Banking & Finance | Structuring | TMT | IPR | Employment |

---

## DISCLAIMER

This update only contains a summary/ limited description of the topic dealt with hereinabove for general information purposes and should not be construed as a legal opinion or be relied upon in absence of specific legal advice. For further information or legal advice please feel free to contact us.

---

## Contact US



# Rajani Associates

simple solutions

**Address:** Krishna Chambers  
59 New Marine Lines  
Churchgate  
Mumbai 400020  
Maharashtra, India  
**Telephone:** (+91-22) 40961000  
**Facsimile:** (+91-22) 40961010  
**Email:** [dejure@rajaniassociates.net](mailto:dejure@rajaniassociates.net)  
**Website:** [www.rajaniassociates.net](http://www.rajaniassociates.net)

---