

FROM TRADITION TO TECHNOLOGY: EXPLORING THE FEASIBILITY OF A PAPERLESS JUSTICE DELIVERY SYSTEM IN INDIA

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I. INTRODUCTION

“Technology is not something for the pandemic. Technology is here to stay for the future, forever.”

- Justice DY Chandrachud, ex-CJI¹

With the advent of digitization in India, internet connectivity has reached even the remotest of villages, bringing smooth connectivity at the fingertips of the common man. Post the COVID-19 outbreak, technology has seamlessly outstretched to various sectors like education, electronic retail, online FIRs, judiciary, and so on, thus introducing a more efficient way of pulling things around. The pandemic propelled the digitisation of Indian Courts. The judiciary, led by the Hon’ble Supreme Court, the Hon’ble High Courts, and Learned Subordinate Courts, embraced e-courts for filing cases and frequently conducted hearings *via* video conferencing. With the ever-growing pendency of cases, the Indian judiciary continues to grapple with over 4.5 crore cases pending in the courts². The digitisation of the Indian Judiciary not only presents the courts with the golden opportunity to resolve the plethora of pending cases at a click but also enables speedy trial for the same by fast-tracking justice.

The Constitution of India is the supreme law of the land and serves as the cornerstone of Indian democracy. The judiciary, as one of the three organs of the state, plays a crucial role in shaping and interpreting the Constitution. The Judiciary has its roots growing in almost every nook and corner across the country, with a disposal rate between 55%-59% in the Supreme Court, 28% in the High Courts, and 40% in Subordinate Courts.³ With the legal system being a sine qua non of the Indian democracy, it is undoubtedly an indispensable part of its citizens and the government at large, and functions as the “watchdog of democracy”, Justice Ranjan Gogoi, former CJI.⁴ The role of judiciary is sacrosanct and needs to evolve with time which brings us to the question this paper is majorly trying to answer, whether paperless transaction is feasible in Indian Courts given the diverse population the judiciary

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¹ Krishnadas Rajagopal, “Virtual Court Technology is here to Stay Now and Forever: CJI Chandrachud” *The Hindu*, Feb. 14, 2023, available at: <https://www.thehindu.com/news/national/virtual-court-technology-is-here-to-stay-now-and-forever-cji-chandrachud/article66505427.ece> (last visited on May 22, 2024).

² Omir Kumar and Shubham Dutt, “Vital Stats: Pendency and Vacancies in the Judiciary”, Oct. 11, 2021, available at: https://prsindia.org/files/policy/policy_vital_state/Vital%20Stats_Pendency%20and%20Vacancies%20in%20the%20Judiciary_Final.pdf (last visited on May 20, 2024).

³ Roshni Sinha, “Pendency of Cases in the Indian Judiciary”, PRS Legislative Research, July 25, 2018, available at: <https://prsindia.org/policy/vital-stats/pendency-cases-judiciary> (last visited on May 18, 2024)

⁴ Shivangi Misra, “The Bar Rises: Public Meeting on Independence of Judiciary and Implications for Democracy - A Report” *The Leaflet*, May 17, 2018, available at: <https://theleaflet.in/the-bar-rises-public-meeting-on-independence-of-judiciary-and-implications-for-democracy-a-report/> (last visited on May 21, 2024).

caters to, the lack of infrastructure, not to mention the absence of an adequate amount of equipped hands to operate the much needed encrypted data management system?

In light of these challenges, the digitisation of the judiciary emerges not just as a solution but a necessity. Article 129 of the Constitution of India declares the Supreme Court a court of record, and it further provides that the Supreme Court shall have all the powers of such a court, including the power to punish for contempt of itself⁵. It simply means that all the judgments made by this court shall be preserved for future reference by its subordinate courts, and its decisions shall be admitted as pieces of evidence. This responsibility brings with it the enormous task to preserve such a hefty number of records leads to cluttering, and the mismanagement, if any, will lead to the loss of essential pieces of evidence. The paper trail is difficult to keep track of. This has led to overburdened storage, poor record-keeping, and frequent loss and misplacement of important documents. For instance, it becomes impossible to produce an affidavit that was filed several years ago and is now untraceable, leading to the adjournment of the said matter, thereby delaying justice.

The mere lack of documents lost in the rugged old files leads to the acquittal of convicts, thereby causing a juncture in the course of justice. Ample time is lost in summoning records from lower courts to higher courts in cases of appeal. The shift to digital systems addresses these very gaps and not only fast-tracks justice but also enables its accurate delivery without any hassle. It is easier to file cases on the portal, and copies of orders and judgments can be obtained only by a click of the keypad. This transformation not only helps prevent delays but also ensures accountability and transparency, allowing justice to be delivered more efficiently. In essence, ‘Paperless’ seeps its way through the columns of the Hon’ble Apex court, reaching even the last man of the society.

II. IMPLEMENTATION OF DIGITISATION IN THE INDIAN JUDICIARY

While digitization moves towards full-fledged growth in India, the need for the Judiciary to go paperless had already been realised in developed nations such as the United States and the United Kingdom.

Bundledocs, in its article, published on March 26, 2012, questions the dire need of the hour - “Are paperless Courts the future for the legal sector?” This transformation aims to replace ‘bundles of paper’ with devices in an attempt to create a paperless court. Marilyn Stowe argues that the transition into a paperless system could help overcome the “days of carrying heavy lever arch files into the court”, which, when unveiled, only reveals misplaced documents⁶. To come up with an ease of working, the Jordanian Government commissioned the feasibility of paperless courts *via* three projects, *viz.*, Electronic Document Archiving, Electronic Filing, and Video Hearing.⁷ A similar approach is being adopted by the Indian Government to further the digitisation of courts.

As India also moves steadily towards a digital justice system, several key concepts and tools have been developed to support this transformation. These initiatives aim to make

⁵ The Constitution of India, art. 129.

⁶ “How Will Paperless Courts Affect Legal Document Preparation?”, *Bundledocs Blog* (Bundledocs, Apr. 18, 2012), available at: <https://www.bundledocs.com/blog/2012/4/18/how-will-paperless-courts-affect-legal-document-preparation.html> (last visited on May 22, 2024).

⁷ USAID, “Business Case Feasibility Study for Electronic Court Modernization” USAID (Oct. 2006), available at: https://pdf.usaid.gov/pdf_docs/PNADM237.pdf (last visited on May 27, 2024).

the legal process more transparent, faster, and accessible to everyone. From virtual courts to AI-based translation tools and case management systems, each element plays a crucial role in reducing reliance on paper, improving efficiency, and empowering both the legal fraternity and citizens. The following concepts highlight the core components driving this digital shift in the Indian judiciary:

A. Digitization Encompasses the Following Concepts

i) Virtual Court

With the continuous upsurge in internet users, India is presently the second-largest internet user base in the world, with half of India's population having access to the internet in the year 2020⁸. The Hon'ble Prime Minister of India claimed that India turned the COVID-19 crisis into an opportunity. The nationwide lockdown forced the doors of all courts across India to open their doors only virtually. The virtual court embodies a concept aimed at negating the physical presence of the litigant or attorney in the court, and instead adjudicating the cases on a virtual platform. The virtual courts act as an effective means to conduct court proceedings by dismantling geographical barriers and elevating the court's efficiency. It not only makes the legal system more accessible to individuals who might have difficulty attending in-person proceedings but also increases safety by reducing the risk of exposure to diseases (such as the pandemic itself). Further, it significantly reduces the cost of trials borne by an individual, and simultaneously improves evidence presentation through enhanced digital tools easily accessible to parties involved in the trial.

ii) Case Management Systems

“Technology has become a powerful tool in the legal system in improving efficiency, accessibility and accuracy in the administration of justice. However, the success of any initiative and innovation, whether in law or in technology depends on the ability to collaborate with stakeholders and incorporate critical feedback of those who will be using it,” the former CJI said.⁹

The Case Management System provides a single interface to facilitate seamless and collaborative working within teams/parties to a case, with real-time updates on the set database. It ensures prompt access to, and easy sharing of, data by using a dedicated cloud database.

iii) Court Digitisation Project

The practicality of paperless courts could be truly accessed in its true essence only by the digitisation of courts in terms of management, accessibility, visibility, and control is achieved. This simply means, with online information replacing paper, everyone involved in a case has simultaneous access to the entire set of documents once they are filed. The project

⁸ Sandhya Keelery, “Internet Usage in India - Statistics & Facts” *Statista*, July 07, 2020, available at: <https://www.statista.com/topics/2157/internet-usage-in-india/> (last visited on May 24, 2024).

⁹ Outlook Web Bureau, “Technology a Powerful Tool in Legal System to Improve Efficiency, Accessibility: Chandrachud” *Outlook India*, Jan. 25, 2023, available at: <https://www.outlookindia.com/national/technology-a-powerful-tool-in-legal-system-to-improve-efficiency-accessibility-chandrachud-news-256517> (last visited on May 27, 2024).

minimises the possibility of adjournments due to missing documents, information, or parties themselves, consequently maximising the effectiveness of the system in general.

The courts' digitisation further reduces the dependency upon physical documents and ensures much better case tracking while minimizes any delays. These reforms characterise an important step toward a Justice delivery system that is faster as well as more efficient. However, technology's advantages seem clear. This transformation does also pose challenges for citizens. Citizens who lack access to internet services or the necessary digital literacy may struggle to participate fully in the process. Concerns regarding data privacy, cybersecurity, and the reliability of online platforms also persist. Most importantly, there is an ongoing debate over whether virtual courts compromise open courts justice's foundational principle is a pressing concern, a question demanding careful reflection as courts continue to modernize.

III. DOES VIRTUAL COURT POSE A THREAT TO OPEN COURTS?

The temporary phase of virtual hearings does not pose a challenge to the provision of open court proceedings, as various constitutional and legal provisions require judgments to be delivered in open court. Article 145(4) of the Constitution of India¹⁰ states that no judgment can be delivered by the Supreme Court of India unless it is delivered in an open court. Similarly, section 366 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023¹¹ (corresponding to section 327 of the Code of Criminal Procedure, 1973) mandates that criminal courts should be open to the public, with certain exceptions such as rape cases. Additionally, section 153B of the Code of Civil Procedure, 1908¹² stipulates that trial locations should be considered "open courts" accessible to the public, except at the discretion of the presiding judge. However, the virtual court upholds the principle of openness as well as improve upon it in some ways. The transition to virtual courts does not evade the idea of open justice; instead, it adapts it to the digital age. Virtual courts ensure transparency and participation by allowing lawyers, litigants, and even the general public to observe proceedings online. Moreover, media access is often easier and less restricted in digital formats, providing them with more comprehensive and accurate reporting. This, in turn, will help the media to fulfill its vital role of holding the judiciary accountable and informing the public.

Virtual courts will also help increase public engagement and understanding the judicial process, which will maintain the trust in the legal system. For example, the live streaming of constitutional cases by the Hon'ble Supreme Court has made landmark judgments directly accessible for citizens because it reinforces transparency and public trust within the judiciary. These developments show that virtual courtrooms can preserve the core values of Indian open court tradition if designed as well as implemented considerately. They do not weaken the concept of open court, but rather strengthen accessibility, fairness, and public scrutiny. With this growing confidence in digital justice, it becomes essential to look at how digitisation has been practically implemented in the Indian judiciary - from policy initiatives to on-ground infrastructure and digital tools.

IV. IMPLEMENTATION OF DIGITISATION IN THE INDIAN JUDICIARY

¹⁰ *Supra* note 5, art. 145.

¹¹ The *Bharatiya Nagarik Suraksha Sanhita*, 2023 (Act No. 46 of 2023), s. 366.

¹² The Code of Civil Procedure, 1908 (Act No. 5 of 1908), s. 153B.

In 2007, the National e-governance plan commenced the e-courts project for the implementation of Information and Communication Technology (ICT) in the Indian judiciary. Since then, more than 18,700 districts and subordinate courts have been computerised.¹³ The National Informatics Centre took up the project of implementing the e-courts initiative through different phases *viz.*, Phase I, Phase II, and Phase III¹⁴. With the initiation of PHASE I in 2007, the National e-court Portal and National Judicial Data Grid became operational, enabling litigants and attorneys to keep track of cases, cause lists, daily orders, final orders, judgments, case registration, etc. Within the ambit of Phase I of digitisation, laptops were provided to judicial officers, video conferencing was started in courts and jails, and computerised infrastructure was developed massively in Court complexes. A large number of district courts launched their websites for the convenience of stakeholders. Therefore, Phase I concluded on 30th March 2015.

PHASE II of the digitisation of courts was approved by the former CJI, P. Sathasivam, in January 2014 and sanctioned by the government in August 2015. According to the e-committee report of the Supreme Court on the E-Courts Mission Mode Project¹⁵, “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 courts have switched to Cloud Computing Architecture, transforming Server rooms into Network rooms and Judicial Service centres into Centralised Filing Centres. Phase II has provided for the establishment of Digital Libraries, and further improvised platforms for the dissemination of information *via* applications for mobile phones, SMS and emails, available in all local languages.

Over the years, various schemes and projects have been launched by the Indian Government, that have aided the cause of a paperless judicial system. One of the significant initiative in this regard is *SUVAS* expands to *Supreme Court Vidhik Anuvaad Software*¹⁶ an Artificial Intelligence (AI) tool trained for translation, having the capability of translating English Judicial Documents, Orders or Judgements into nine vernacular languages and vice versa. By overcoming language barriers, *SUVAS* makes the judiciary more accessible and inclusive, especially for litigants and legal practitioners who are facing the language barrier.

Another important innovation is *e-Prisons* Application¹⁷. This is a prison and prisoner management application that outlays a citizen centric portal showing statistical data of various jails in the country and functions as a portal for showcasing and selling products manufactured in different jails across the country by the inmates. This not only streamlines prison administration but also encourages rehabilitation and vocational engagement of prisoners.

¹³ Department of Justice, Ministry of Law and Justice, Government of India, “The National Judicial Data Grid (NJDG)”, available at: <https://doj.gov.in/the-national-judicial-data-grid-njdg/> (last visited on May 30, 2024).

¹⁴ The eCourts Mission Mode Project, is a Pan-India Project, monitored and funded by Department of Justice, Ministry of Law and Justice, Government of India for the District Courts across the country.

¹⁵ *Ibid.*

¹⁶ PIB India, “Action Plan for Simple, Accessible, Affordable and Speedy Justice”, Aug. 10, 2023, available at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1947490> (last visited on May 21, 2024).

¹⁷ e-Committee, Supreme Court of India, Information and Communication Technology in Indian Judiciary, available at: <https://ecommitteesci.gov.in/e-prison/> (last visited on May 22, 2024).

The *NSTEP* which stands for *National Service and Tracking of Electronic Processes*¹⁸ initiative is a service-tracking application that enables the service of notices/Summons in electronic form. It keeps track of posting and recording of real-time updates from remote locations helping reduce inordinate delays in process service, thus significantly reducing the time spent via post. This system enhances accountability and saves crucial time in the legal process.

To make the benefits of digitalization available to all sections of society *e-SEWA Kendra*¹⁹ has been established in court complexes. These centers help to overcome the digital gap for litigants and advocates that may not be technologically equipped provide services like e-filing, checking of case progress, and access to other electronic court resources through these Kendra out to reduce digital divide in the judiciary.

The integration of different components of the criminal justice system has been facilitated through the *Inter-Operable Criminal Justice System (ICJS)*²⁰. This system enables seamless data exchange between the police stations' servers and courts and reduces the courts' data entry work. Metadata exchange of FIR and Chargesheet through ICJS has been implemented in 21 High Courts, which is contributing to faster processing and better coordination between law enforcement and the judiciary.

Judicial officers have also been equipped with digital tools like the *JustIS Mobile App*²¹. The app allows them to monitor pendency and disposal of the cases at their fingertips. This helps improve case management and enables judicial officers to prioritize their workload more efficiently.

A key driver behind these many reforms is the e-Committee, which through its various initiatives has laid down Model rules of video conferencing, e-filing, live streaming of court proceedings, digital preservation of judicial records. These initiatives not only promote transparency and reduce physical paperwork but also bring uniformity and accountability into judicial functioning.

PHASE III of the project is still to be launched. With an aim to overcome challenges of connectivity issues, digital literacy, privacy concerns, hacking and cyber security, Phase III envisions a digital court beyond simply replicating offline processes digitally. It encompasses the use of technology guided by two facets central to Gandhian thoughts - access and inclusion. "It is designed to take an ecosystem approach that leverages the existing capacities in different stakeholders such as civil society leaders, universities, practitioners, and technologists to realise this future", Vision Document released by e-Committee, Supreme Court of India.²²

¹⁸ Department of Justice, *available at*: <https://doj.gov.in/national-service-and-tracking-of-electronic-processes-nstep/> (last visited on May 25, 2024).

¹⁹ e-Committee, Supreme Court of India, Information and Communication Technology in Indian Judiciary, *available at*: <https://ecommitteesci.gov.in/service/e-sewa-kendra/> (last visited on May 25, 2024).

²⁰ Ministry of Home Affairs, "Inter-operable Criminal Justice System (ICJS)", *available at*: <https://www.mha.gov.in/en/commoncontent/inter-operable-criminal-justice-system-icjs> (last visited on May 26, 2024).

²¹ e-Committee, Supreme Court of India, Information and Communication Technology in Indian Judiciary, *available at*: <https://ecommitteesci.gov.in/court-management-tool-justis-app/> (last visited on May 25, 2024).

²² "Vision Document for Phase III of eCourts Project", e-Committee Supreme Court of India, *available at*: <https://ecommitteesci.gov.in/document/vision-document-for-phase-iii-of-ecourts-project/> (last visited on May 19, 2024).

Phase III proposes to mitigate challenges that may be faced due to this gradual transition by ensuring:

- (i) *Access to relevant hardware* such as encrypted broadband connectivity.
- (ii) *The creation of needed digital infrastructure* such as digital case repositories with a unique case number and case type, enabling easy navigation through cases. Intelligent scheduling, *i.e.*, coordinating the availability and schedules of different users: judges, lawyers, and litigants. Thus, leveraging technology to create an infrastructure that can optimise and unlock significant capacities for justice administration and overall bring greater efficiency to the system.
- (iii) *Access to critical services* becomes mandatory in order for the above-described infrastructure to function. This includes a Digital Case Management System, e-filing, CLASS (Courtroom Live Audio-Visual Streaming System), Transcriptions, Service of Notice, e-Sewa Kendra, Help desk for digital assistance, administration of Legal Aid, and Virtual Courts.

The Phase III of judicial digitization initiative is dedicated to the issues of transition into a completely paperless system which we strengthen in terms of infrastructure and access. It put forward the need for secure and reliable internet access, robust digital case storage systems, and intelligent scheduling which in turn coordinates the availability of judges, lawyers and litigants. These elements are the key to smooth judicial workflow and better case management. But also, it is important to note that the success of this phase is not only in the technology itself but how well it is integrated and made available to all stakeholders. We have in Orissa High Court a great example of these concepts put into practice which has become a model for paperless functioning and which other courts in the country are looking to follow.

V. ORISSA HIGH COURT- A SUCCESSFUL PAPERLESS MODEL

“The Orissa High Court has set a new benchmark for record digitisation, a process critical to keeping courts running quickly and smoothly, creating a “win-win” situation for not only the bar and bench, but also the public”, as reported by Ashutosh Mishra from *The Wire*.²³

The digitization of records in the Orissa High Court was initiated in 2018, but it gained substantial traction when Justice S. Muralidhar assumed the role of Chief Justice. Having been an advocate for the idea of a paperless court during his tenure as a judge in the Delhi High Court, Justice Muralidhar infused new energy into the digitization initiative. Following the inauguration of the High Court’s advanced Record Room Digitisation Centre (RRDC) near the Odisha Judicial Academy building in Cuttack on September 11, 2021, by Justice D.Y. Chandrachud, the chairperson of the Supreme Court’s e-Committee, a remarkable total of 156,723 legacy records or "disposed-of" case records were scanned and digitized by the end of the previous year.

The RRDC serves as a comprehensive facility that combines storage, digitization, preservation, and retrieval services for disposed-of case records or legacy records. This centralized location allows convenient access to these records from the courtroom or any

²³ Ashutosh Mishra, “The Orissa High Court is Leading the Way in Digitising the Judiciary” *The Wire*, Feb. 08, 2022), *available at*: <https://thewire.in/law/the-orissa-high-court-is-leading-the-way-in-digitising-the-judiciary> (last visited on May 07, 2024).

bench through a secure and closed network. While the digitization process is being carried out extensively for the existing legacy records, a dedicated area within the RRDC has been allocated for fragile records. These records are of such antiquity that opening and scanning them is not feasible. The Fragile Record Room specifically houses legacy records dating back to the early 1800s from the High Courts of Patna, Calcutta, and Madras. With a strong commitment to harnessing the potential of advanced technology, Justice Muralidhar has introduced various initiatives such as e-filing of cases and e payment of court fees.

Additionally, efforts have been made to provide practical training to advocates, enabling them to become familiar with the associated technology. “It saves both time and money and makes life easy for all of us,”²⁴ said Shashi Kant Mishra, a Rourkela resident who has seen many litigants suffer because of inordinate delays in the finalisation of cases.

This circulates one back to the question of ‘whether the paperless transaction is feasible in Indian courts? ’Looking at the Orissa High Court model, the answer is in the affirmative. Via *All India Association of Jurists v. Uttarakhand High Court*²⁵, the petitioner, through a writ petition, claims to seek the intervention of the Hon’ble Supreme Court “to effectuate the right of access and the freedom of practicing the noble profession of law irrespective of geographical location”, thus outlining virtual courts a facet of the fundamental right guaranteed under the Constitution of India.

VI. CONCLUSION

The Indian judicial system journey towards a paperless is going through a major transformation, rolling by the need to improve efficiency, transparency and equal access to justice reaching last man of the society. From everything discussed above, it is evident that the Indian judiciary has made a commendable progress in embracing technology. It is clear that the digitisation is helping the Indian courts become faster, more available and well organised.

Initiative like e-filing, virtual hearings, *JustIS* app, case management system, and translation software like SUVAS are already making a big difference in the India judicial system. A great example is the Orissa High Court, which has gone almost completely paperless and has become a model for other courts to follow. So yes, making Indian judicial system paperless is possible but it needs a proper infrastructure, good training of judicial officers as well as staff, and strong support for everyone involved.

However, the said transition has not been without obstacles. In many places, courts still continue to require mandatorily both digital copies as well as physical copies despite e-filing, digital literacy gaps among litigants and court staff, and the costs associated with both paper-based and digital processes, leading to unnecessary delays and additional costs.

And we must acknowledge that technology can be mixed blessing. Not everyone, especially those in rural areas or the ones without the access to technology, can take the full advantage of the digitised system yet. This can lead to the exclusion of those who are already facing barrier in the judicial system. For the technology truly serving justice, it must

²⁴ *Ibid.*

²⁵ WP (C) No. 941 of 2021, dated Sep. 06, 2021.

be built with accessibility and inclusion as its foundational core. But with the right steps, these problems can be fixed.

Importantly, the view that virtual courts may undermine the openness was found to be unfounded, and in fact, technology in many ways has the potential to expand access, enhance public scrutiny by allowing people to watch judicial proceedings, and make judicial processes more inclusive and approachable if implemented thoughtfully. The answer to whether a paperless system is possible in Indian judicial system is cautious, but 'Yes'. Both practical experiences and technological advancements already in place, such as e-filing, virtual hearings, case management apps, and translation software like SUVAS, have shown that Indian courts can function effectively in a digital environment. The example of the Orissa High Court, which has successfully implemented large-scale digitisation and moved towards a nearly paperless model, further demonstrates that the transition is not only possible but sustainable. However, this transformation can succeed on a wider scale only if guided by the principles of accessibility, inclusivity, and accountability. It is not enough to simply introduce technology; what is equally essential is the strong infrastructure, closing the digital divide, improving lawyer-litigants interference, and building trust in digital processes through transparency and public engagement. Taken together, these factors make the vision of a paperless system both realistic and more achievable for pan-India.

In conclusion, moving towards a paperless judiciary is not just about using less paper, it is more about making justice serve and seem to be served for everyone. It should not be seen as a mere technological upgrade, but as a larger cultural and institutional transformation. And if done in a right manner, it can lead to a faster, more inclusive, and more transparent judicial system that will truly meet the needs of Modern India.