**Tech-Driven Justice: Accelerating Legal Access in India**

 **Dr.Balwinder Kaur[[1]](#footnote-2)\***

 **Dr.Alka Bharti [[2]](#footnote-3)\*\***

**Abstract**

*The paper enumerates various digital initiatives initiated by the Government to provide access to justice. The purpose behind efforts is to help marginalized people. Indian Constitution guarantees free legal aid to all citizens. Despite this many people are deprived of legal services because of delays in case settlements and tedious procedures one has to go through. The Government has spent huge funds to reduce the pending cases in the various courts by embracing technology to get rid of procedural barriers and trying to transform the way it offers legal services. The paper also analyzes the various steps taken by the government to include the Internet to ease the lives of all the stakeholders.*

***Keywords:*** *Technology, e-courts, National Judicial Grid system, pending cases, Nyanbandhu.*

**1.1 Introduction**

 The Preamble of the Indian Constitution guarantees every citizen equality of status and opportunity.[[3]](#footnote-4) Further, it ensures every citizen social, economic, and political justice. Fundamental Rights given under Article 21[[4]](#footnote-5), and the provision of Directive principles contained in Article-39-A[[5]](#footnote-6), and other provisions of the Constitution support the need for legal aid and put an obligation on the state to offer access to justice to needy people. The purpose behind Legal aid is to bring poor and marginalized sections of society at par with well-off counterparts so they can also get equal access to justice. Access to Justice is the Constitutional mandate as well as the duty of government to provide an affordable, accessible, and speedy justice system to all. India’s Legal aid system is the most extensive and largest in the world. Almost 80% of India’s population is eligible to avail of legal aid as the statutory provision under Section 12 of LSA Act 1987 identifies disabled people, children, scheduled tribes, and scheduled castes, those who are have a mental illness, victims of mass disasters, and prisoners.[[6]](#footnote-7) Justice Ramana said, “India is probably the only country where the “means test” does not apply to certain categories. In India, women, children, persons in custody, SC, ST, victims of disaster, amongst others, are entitled to free legal aid irrespective of their income/means,” at the same time millions of people in India are people existing without access to basic fundamental amenities of life, including access to justice.”[[7]](#footnote-8)

* + 1. **Judicial interpretation of access to justice**

The British Prime Minister William E. Gladstone said “Justice delayed is justice denied.”It was in the **State of Haryana v. Darshana Devi and others** that the Supreme Court observed and accepted that access to justice is a basic human right.[[8]](#footnote-9) The principles that were laid down in this case were First, Access to Court is an aspect of Social Justice and the state has no rational policy if it forgets the fundamentals.[[9]](#footnote-10) The Hon. Apex Court of India in its judgment of **Hussainara Khatoon v. Home Secretary State of Bihar** held that speedy trial is a part of Article 21 of the Constitution guaranteeing the right to life and liberty.[[10]](#footnote-11) In the case of **Hussain v. Union of India**, “This constitutional right cannot be denied even on the plea of non-availability of financial resources.”[[11]](#footnote-12)In its judgments, the Supreme Court has on various events has made it abundantly clear that there will be no delay in the trial process, as this would constitute a denial of justice in and of itself.[[12]](#footnote-13)

**1.1.2 SDG 16: Promote just, peaceful and inclusive societies**

Sustainable Development Goal 16 is one of the 17 Sustainable Development Goals established by the United Nations in 2015, the official wording is: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".[[13]](#footnote-14) The Supreme Court with the help of different verdicts interpreted different components of access to justice. Justice Thakur in the case of Anita Kushwaha V. PushpaSudan, stated that “a) the state must provide an effective adjudicatory mechanism; b) the mechanism so provided must be reasonably accessible in terms of distance; c) the process of adjudication must be speedy; d) the litigant’s access to the adjudicatory process must be affordable.”[[14]](#footnote-15)

**1.1.3 An overview of Pending Cases in Courts**

**As** per the National Judicial Data Grid up to the current date the number of cases that are more than one year old is as follows:

* Civil Cases 6861292(62.1%)[[15]](#footnote-16)
* Criminal Cases 21469600 (64.32%)[[16]](#footnote-17)
* Other Cases 28330892(63.77%)[[17]](#footnote-18)

 The NJDC mentioned the reason for the pendency of the cases. As per Data the main reasons for delay are cases unattended, parties getting stay orders, awaiting records of the cases, and securing the presence of witnesses and parties. As per NJDC record in only civil cases, the pendency is because of the following reasons.

* Cases unattended- 1195334 (27.80%)[[18]](#footnote-19)
* Parties got stay order-1078977(20.51%)[[19]](#footnote-20)
* Awaiting records-884450 (20.57%)[[20]](#footnote-21)
* Pending cases because of securing presence- 541576 (12.62%)[[21]](#footnote-22)

As per the written information submitted by Law Minister Kiran Rijiju approximately Dec 31, 2022, the number of pending cases is over 4.32 crore in the district and subordinate courts.[[22]](#footnote-23) To speed up the disposal of cases, the Indian Government has taken various steps with the help of Information and Communications Technologies (ICT) for digitalization of the judicial sector. Honourable Justice P Sathasivam, Former Chief Justice ofIndia, during the training Programme for Judges at District State Judicial Academy in his speech, stated that “The need of the hour is to fill the chasms where no law exists and to reduce it into writing where judicial pronouncements have held up the system so far. There is a need for overhauling the entire justice system by adopting E-governance in the judiciary. E-Governance to the judiciary means, the use of information and communication technology for smoother and accelerated case progression to reach its logical and within the set time frame, with the complete demystification of the adjudicatory process ensuring transparency. This would perhaps make us close to the pursuit of truth and justice.”[[23]](#footnote-24)

**1.1.4 Technology and Access to Justice: A new era in the justice system**

The Apex Court of India reminded us that technology was not meant for the pandemic but “is here to stay for future forever. Therefore, the answer is not to ban technology. The answer is to make technology available to the grassroots. Technology must reach out to every taluka court in the country. That’s why part of phase 3 of the e-courts project, going to set up e-seva Kendra… Lawyers who do not have access to the internet… can go to the e-seva Kendra and get all the available facilities.” Said CJI.[[24]](#footnote-25)Technology will ensure that those who do not have access to justice due to distance will not be excluded anymore.In a farewell address, Former Chief Justice of India S.A. Bobde said “Access to justice now depends on access to technology.”[[25]](#footnote-26)

 Recently the chief justice of India who was speaking at the inauguration of ‘Online e-Inspection Software’ of the Delhi High Court said that “technology has become a powerful tool in the legal system for improving efficiency, accessibility, and accuracy in the administration of justice, further he stated that the success of any initiative and innovation depends on the ability to collaborate with stakeholders and incorporate critical feedback of those who will be using it.” [[26]](#footnote-27)

The Apex Court in 2003 allowed the recording of deposition through video-conferencing. The judgment was given in a case where a US-based doctor was unable to come to India to depose in a case. He was ready to dispose through video-conferencing which was allowed by the Mumbai trial court.[[27]](#footnote-28) The Supreme Court of India launched in 2004 e-Committee.

The purpose of the e-Committee is to oversee the e-Courts project constituted under the “National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary-2005”.[[28]](#footnote-29)

The E-Courts project is initiated by the Department of Justice, Ministry of Law and Justice, Government of India. It’s pan Indian project funded by the Ministry. The idea behind this project is to equip the judicial system of the country with information and technology. This project aimed to offer competent and time-bound services to the citizens as per the e-courts Project Litigants’ Charter. In addition to this to develop judicial productive making the justice delivery system available, cost-effective, dependable, and clear.[[29]](#footnote-30)E-governance in the justice system in India started in the 1990s but it in actual sense was fast-tracked when the Information and Technology Act, of 2000 was enacted. It is a fact that technology has transformed the administration of justice in India. It has encouraged the government to deal with social disparities in access to justice. There is no doubt that technology has and will continue to have a deep impact on the legal system in India. The Legal Services Authorities Act was enacted by the Parliament in the year 1987 and came into force on 9th November 1995 to start a nationwide uniform system for offering free and competent legal services to the weaker sections of society.[[30]](#footnote-31)

**1.1.5. Number of Internet users in India 2010-2040**

As per statistics in 2020, India had crossed 749 million internet users across the country.[[31]](#footnote-32) In 2040 it is estimated that this figure will grow exponentially to over 1.5 billion. After China India is known as the second largest online market in 2019 worldwide.[[32]](#footnote-33) The count of internet users is expected to increase in both rural as well as urban regions depicting mammoth growth in access to the internet. [[33]](#footnote-34)The author of “The Future of Law” book Richard Eric Susskind stated in his book that in coming years, lawyers and their litigants would communicate through email. Further, he stated that technology will bring radical changes in the field of law and will transform the Court system.[[34]](#footnote-35) In India in 2005 on the basis of the “National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005” the vision of e-Courts was capsulised. Based on the proposal received from Hon’ble the Chief Justice of India to create an E-committee to help in framing a National policy on the computerization of the Indian Judiciary and advise on technological communication and management-related changes the Govt. constituted E committee.[[35]](#footnote-36) The project e Courts was a Pan-India Project funded by the Department of Justice. This project is divided into three different phases.

**1.1.6. Phases of e-court project in India**

**Phase-I**

The Apex Court in order to increase the use of information and technology constitutedane-Committee. The reason for constituting an e-Committee was to implement the e-Courts project initiative in 2005 with a budget of 4.42 billion.[[36]](#footnote-37) The e-court means a court that is equipped with modern ICT devices. The project started in 2007; during this phase, maximum computer server rooms Court complexes, and judicial services centers were computerized. The benefits of the installation of case information software were that it was used to provide services to advocates and also to litigants. Most of the district courts created their websites for stakeholders. The judicial officers and staff of the courts were trained.**[[37]](#footnote-38)**

**Phase II:**

The Hon'ble Chief Justice of India approved Phase II of the Ecourts Project. In Phase-II, the courts are equipped with additional hardware with (1+3) systems per courtroom; the uncovered courts of Phase-I and the newly established courts have (2+6) systems per courtroom; and the court complexes are provisioned for hardware, LAN, etc. The District Legal Services Authority, the Taluka Legal Services Committee, the National Judicial Academy, and the State Judicial Academies were computerised for efficient delivery of services and training. During this phase, left-out court complexes connected with jails and desk-based video conferencing were used to provide justice to under-trial prisoners.[[38]](#footnote-39) Phase II of the project focuses on service delivery to litigants, lawyers, and other stakeholders. To offer access to justice on all the websites, the relevant information was provided in the local languages. SMS, emails, and applications for mobile were used to provide information to the litigants.

**Phase-III**

The e-Courts Phase III project, approved by the Supreme Court of India, aims to create an affordable, accessible, cost-effective, predictable, reliable, and transparent judicial system in India. It includes digital and paperless courts, online courts, virtual courts beyond traffic violations, and the use of emerging technologies like artificial intelligence for case pendency analysis and litigation forecasting.

The particulars of the court complex and digitalisation of courts under eCourts project Phase-II are as under[[39]](#footnote-40):

| **S.No** | **High-Courts** | **State** | **Courts Complexes** | **Courts** |
| --- | --- | --- | --- | --- |
| 1 | Allahabad | Uttar Pradesh | 180 | 2222 |
| 2 | Andhra Pradesh | Andhra Pradesh | 218 | 617 |
|  |  |  |  |  |
| 3 | Bombay | Dadra and Nagar Haveli | 1 | 3 |
|  |  | Daman and Diu | 2 | 2 |
|  |  | Goa | 17 | 39 |
|  |  | Maharashtra | 471 | 2157 |
|  |  |  |  |  |
| 4 | Calcutta | Andaman & Nicobar Islands | 4 | 14 |
| 5 |  | West Bengal | 89 | 827 |
| 6 | Chhattisgarh | Chhattisgarh | 93 | 434 |
| 7 | Delhi | Delhi | 6 | 681 |
| 8 | Gauhati | Arunachal Pradesh | 14 | 28 |
| 9. | Gujarat | Gujarat | 376 | 1268 |
| 10. | Himachal Pradesh | Himachal Pradesh | 50 | 50 |
| 11. | Union Territory of Jammu & Kashmir and Union Territory of Ladakh | Union Territory of Jammu & Kashmir and Union Territory of Ladakh | 86 | 218 |
| 12. | Jharkhand | Jharkhand | 28 | 447 |
| 13. | Karnataka | Karnataka | 207 | 1031 |
| 14. | Kerla | Kerala | 158 | 484 |
| 15. | Madhya Pradesh | Madhya Pradesh | 213 | 1363 |
| 16. | Madras | Puducherry | 4 | 24 |
|  |  | Tamil Nadu | 263 | 1124 |
| 17. | Manipur | Manipur | 17 | 38 |
| 18. | Meghalaya | Meghalaya | 7 | 42 |
| 19. | Odisha | Odisha | 185 | 686 |
| 20. | Bihar | Patna | 84 | 1142 |
| 21. | Punjab & Haryana | Chandigarh | 1 | 30 |
|  |  | Haryana | 53 | 500 |
|  |  | Punjab | 64 | 541 |
| 22. | Rajasthan | Rajasthan | 247 | 1240 |
| 23. | Sikkim | Sikkim | 8 | 23 |
| 24. | Telengana | Telengana | 129 | 476 |
| 25. | Tripura | Tripura | 14 | 84 |
| 26, | Uttarakhand | Uttarakhand | 69 | 271 |
|  |   | **Total** |  **3452** | **18735** |

**2.1 Disseminating legal aid: physical or virtual mode?**

The traditional system of dissemination of legal aid involves establishing legal aid clinics in various areas so that people can physically approach these clinics for redressal of their grievances and to seek legal aid and advice. However, with the increasing demand for legal aid in India, the shortcomings of the traditional system started to emerge, and the greater need for the introduction of technology in the process of delivery of legal aid was observed by policymakers and the government.

Indian citizens, in their quest for legal advice and justice, face a lot of hardships in approaching appropriate judicial forums and authorities for their grievance redressal, and there is a greater demographic disadvantage in rural India, which precludes the rural population from seeking legal aid and advice for the legal problems of civil and criminal nature. In India, the overall allocation of funds by NALSA for legal services in 2021–22 was just 145.3 crore.[[40]](#footnote-41) It means that the Per capita expense on Legal aid by Union Govt. Is even less than Rs. 1.2 per Citizen.[[41]](#footnote-42) The poor budgeting of legal aid activities In India, is one of the fundamental reasons behind the backwardness of legal aid-related projects. However, the Department of Justice identified the problem and suggested that the technology can mitigate the high-end expenses that are required to meet India’s legal aid needs. Ultimately, certain techno-legal projects, including Nyaya Bandhu and Tele-law, were formalized and introduced by the Department of Justice under the aegis of the Ministry of Law and Justice of India. Existing No. of Legal Services Clinics in villages-4134[[42]](#footnote-43), Total Beneficiaries – 2,82,140

Total Functional legal aid clinics in villages as of 2020 - 14159[[43]](#footnote-44)

The India Justice Report Rankings revealed that between 2020 and 2022, the number of functional legal aid clinics at different village panchayats covering nearby villages fell tremendously.[[44]](#footnote-45) Surprisingly, out of 14159 functional legal aid clinics, only 4134 legal service clinics remained operational. The statistics reveal how difficult it is for the rural population to access free legal aid-related services.[[45]](#footnote-46) However, the justification given for the massive reduction in the number of functional legal aid clinics in rural areas stated that this was an effort to enhance quality and optimize service delivery in these rural legal aid clinics.

In different parts of the country, various legal aid clinics were established for the dissemination of free legal aid and advice via physical mode and these legal aid clinics only functioned in non-virtual mode only under the guidelines of various legal service authorities at the district, state, and national levels.

As per the statistical information of legal service clinics functional in India as revealed by the National Legal Service Authority in the year 2023 the total functional legal aid clinics in India as of March 2023 is 11711[[46]](#footnote-47), and the Total Beneficiaries of this scheme are –1014464[[47]](#footnote-48). The details of the offline legal aid clinics established by various legal service authority is given here under -

Existing No. of Legal Services Clinics in Law Colleges/ Universities – 1093[[48]](#footnote-49), Total Beneficiaries – 37351.[[49]](#footnote-50)

Existing No. of Legal Services Clinics in Community Centres – 776,[[50]](#footnote-51) Total Beneficiaries –88638[[51]](#footnote-52).

Existing No. of Legal Services Clinics in Jails and Juvenile homes etc. – 1616[[52]](#footnote-53), Total Beneficiaries –2,93,873[[53]](#footnote-54).

Existing No. of Legal Services Clinics in other places – 3188[[54]](#footnote-55), Total Beneficiaries – 1,98,895[[55]](#footnote-56)

**2.2. NYAYA BANDHU : Promoting voluntary legal aid**

The scheme was intended to collaborate efforts of institutional pro-bono clubs and channel the legal education institutions into contributing towards facilitating legal aid. For this purpose, both legal education institutions and practicing advocates were brought under the same platform to exchange their learnings and efforts and contribute towards the enhancement of excess justice through the use of technology.[[56]](#footnote-57) The scheme was formulated by the Department of Justice, the Ministry of Law, and the Justice Government of India to enhance access to justice by means of technology and innovation and remove geographical boundaries between service providers and beneficiaries.[[57]](#footnote-58) The intent behind the implementation of the Nyaya Bandhu scheme was to maximise voluntary legal aid delivery infrastructure in the country, but it thus did not achieve its targeted goal, and a very limited number of cases were disposed of by advocates who are registered under the scheme.

Number of Advocate(s) Enrolled under Nyaya Bandhu Panel – 6476[[58]](#footnote-59)Total beneficiaries - 2618[[59]](#footnote-60)

**2.3 TELE LAW: Interaction of technology with access to justice.**

Tele-law is the largest technical revolution brought in the field of enhancing access to justice through technology, as it has surpassed all the geographical and demographic barriers and formalized systems that sometimes negatively impact the will of people to approach appropriate authorities for legal aid and advice. This e-interaction between lawyers and people would be through the video-conferencing infrastructure available at the CSCs. The Department of Justice has partnered with NALSA and CSC e-Governance Service India Limited to mainstream legal aid to marginalized communities through the Common Services Center (CSC).[[60]](#footnote-61) These common service centres are located in the surroundings of most of the villages, and they act as a medium for connecting panel advocates with the legal aid beneficiaries so that even the poor person who does not have access to a cell phone or computer can also get competent legal aid and advice at no cost.[[61]](#footnote-62) The objective of Tele-Law is to eradicate geographical foundations and other shortcomings of the existing legal aid delivery system and connect legal aid beneficiaries belonging to economically and socially backward and marginalised sectors with designated panel lawyers. This is executed via the use of technology, like video conferencing and telephonic conversation, so that they can seek effective consultation on legal disputes and matters. The motto of Tele Law is "reaching the unreached."

As per the data available on the website, the total number of visitors to the Tele-Law website and app is more than 11,53,98,784[[62]](#footnote-63) this data clearly indicates how popular the tele-law app has become in India for people who are in need of legal advice and legal aid at the expense of the state.

**2.3.1 Functioning of Tele-law**

Tele-law makes the use of communications and information technology for the delivery of legal information and advice. Under the project, tele-law dissemination of legal aid and advice is ensured through the appointment of regular panel advocates, who are appointed at offices of the District Legal Services Authority nationwide. The project achieved remarkable success in bridging the gap between deprived, marginalized, and eligible rural populations and legal service authorities, particularly over 2.5 lakh village panchayats, where local representatives were entrusted with the responsibility of connecting rural people in need of legal aid to lawyers appointed under the tele-law project to ensure effective communication of their legal grievances and accessibility to the remedy thereof.[[63]](#footnote-64)

**2.3.2 How to use the Tele-law app**

The tele-law app is available in the Google Play Store and Apple Store for free download. After downloading, the user needs to feed his basic information, and subsequently, he may seek legal aid or advice for civil matters and criminal cases accordingly.[[64]](#footnote-65) He can also trace the case progress and status of his request in the app portal. The app is extremely easy for new users to use and gives complete transparency and information about the process and procedure of handling these legal aid cases. The fundamental idea behind launching a tele-law mobile app was to remove communication barriers between legal aid beneficiaries and legal aid service providers which includes panel lawyers.[[65]](#footnote-66) the most significant advantage of the Tele Law app is that it is free for all the persons who are entitled to seek legal aid and advice under section 12 of the Legal Services Authorities Act 1987 however even all other Indian citizens are entitled to seek legal aid upon payment of Just Rupees 30 as service charge Which means each and every citizen of India irrespective of their income levels can now access tele-law for seeking legal advice upon various matters of their concern.[[66]](#footnote-67) Another major advantage of the app is that it is available in Marathi, Punjabi, Tamil, Telugu, Hindi, and English languages. Like major service-providing apps, there is an e-tutorial for guiding the users relating to the functionality of the app and there is also a chat support system developed where the chatbot answers frequently asked questions and queries of the users and collects feedback on services provided.[[67]](#footnote-68)

**2.3.3 Data of Tele-law Beneficiaries**

Total Case Registered: 54,77,923[[68]](#footnote-69)

Total Advised Enabled: 54,11,009[[69]](#footnote-70)

Total no of CSCs: 2,50,000[[70]](#footnote-71)

As per the current statistical display given on the website of Tele-Law, about 5.5 million cases have been registered based upon queries and requests of beneficiaries who sought legal aid through the Tele-Law app and telecommunication via cell phones. About 5.4 million legal advisers on various matters of civil, criminal, administrative, and constitutional nature have been disseminated by panel advocates. A significant area is now covered under the common service centers scheme, where the government-established service center can link legal aid beneficiaries through 2.5 lakh common service centers nationwide to tele-law officials and panel advocates appointed thereto.[[71]](#footnote-72)

* 1. **Promoting access to justice through the Digitalization of Court infrastructure**

**3.1.1 E-Courts National Portal**

In 2013, the e-Courts National Portal was launched by the Hon’ble Chief Justice of India. The purpose of these e-court portals is to provide information regarding online cause lists, case status, and other information.

**3.2.2 Virtual Courts**

Virtual Courts It is aimed at eliminating the presence of lawyers or litigants in the court so that small cases can be settled with the help of court resources. It is suggested that the judge administer a virtual court over a virtual platform for the entire state. Judges or litigants would not visit a court physically. Every process would be accomplished online.Since it is important to first classify the kind of cases that can be successfully disposed of by Virtual Courts.

* + 1. **E courts Services Mobile App**

This application can be accessed through the Apple App Store and the Google Play Store. Through this application, one can see case status, court orders, and cause lists. The service is available 24x7. It’s useful for advocates, police, government agencies, litigants, and the judiciary. Through CNR, litigants can see information regarding the pendency of the case. The data available on the National Judicial Data Grid can be accessed through this mobile app. The number of downloads has reached more than 58,15,211 (5.81 million) as of May 7, 2021, indicating the popularity and usefulness of this application.[[72]](#footnote-73) As part of the eCourts project, 7 platforms have been created to provide real-time information on case status, cause lists, judgements, etc. to lawyers and litigants **High Court Services**

A central repository of information and data about High Courts is accessible on this portal. Details of 46,37,128 (4.6 million) pending cases are available on the website.[[73]](#footnote-74)

* + 1. **E courts Fee Payment**

Service enabling online payment of court fees, fines, penalties, and judicial deposits. The payment portal is also integrated with state-specific vendors like SBI ePay, GRAS, e-GRAS, JeGRAS, Himkosh, etc.[[74]](#footnote-75)E-filing of cases requires the option of electronic payment of fees, which include court fees, fines, and penalties that are directly payable to the Consolidated Fund. A total of 20 high courts have implemented e-payments in their respective jurisdictions. The Court Fees Act has been amended in 22 High Courts until December 31, 2022.

* + 1. **E-Filing**

The e-filing system permits the electronic filing of legal papers. Using e-filing, cases (both civil and criminal) can be filed before the high courts and district courts that have accepted e-filing systems. The introduction of e-filing is intended to endorse paperless filing and save time and money by adopting technological solutions to file cases before courts in India. A new e-filing system (version 3.0) has been rolled out for the electronic filing of legal papers with upgraded features. Draft e-filing rules have been formulated and circulated to the high courts for adoption. A total of 19 high courts have adopted the model rules of e-filing as of December 31, 2022. e-filing of cases requires the option of electronic payment of fees, which include court fees, fines, and penalties that are directly payable to the Consolidated Fund. A total of 20 high courts have implemented e-payments in their respective jurisdictions. The Court Fees Act has been amended in 22 High Courts until December 31, 2022.[[75]](#footnote-76)

* + 1. **The Nyaya Mitra**

 The Nyaya Mitra program, like the E-Courts program, targets judges and court administrators. In this project, retired judicial or executive officers with legal experience work as “friends of the law,” or Nyaya Mitras. They provide legal assistance to resolve cases that have been pending for more than ten years, as identified from the National Judicial Data Grid across select districts of India.[[76]](#footnote-77) Apart from this, the Department of Justice has designed a Scheme for Access to Justice titled “Designing Innovative Solutions for Holistic Access to Justice” for a period of five- years (2021-2026).[[77]](#footnote-78) DISHA aims to protect ‘justice’ for the people of India as enshrined in the Constitution.[[78]](#footnote-79) The Ministry of Law and Justice expands the outreach of pro bono legal services (Nyaya Bandhu) and tele-law and legal awareness programs. Further, DISHA aims to generate awareness and broadcasting through the use of technology and develop simplified information, education, and communication (IEC) material for the masses. It's a fact that technology can help everyone access justice in India.[[79]](#footnote-80)

* + 1. **National Judicial Data Grid**

The National Judicial Data Grid (NJDG) is an online platform created under the eCourts Project, providing information on judicial proceedings and decisions of all computerized districts and subordinate courts in India. It has over 21.99 crore cases and 20.10 crore orders and judgments. Open APIs were introduced in 2020 to improve pendency monitoring and compliance. The Courts Integrated Mission Mode Project aims to digitize lower and higher courts, improving access to justice and enhancing the competence and efficiency of the Indian judiciary..[[80]](#footnote-81)

**3.2.9 Case Information Software**

The Case Information Software (CIS) is a free, open-source software developed by NIC, implemented in district and high courts. The National Service and Tracking of Electronic Processes (NSTEP) is a technology-enabled process serving and issuing of summons in 28 states and UTs. A new "Judgment Search" portal is available free of charge. 39 LED display message sign board systems called Justice Clocks have been installed in 25 high courts. A manual and brochure on eFiling and eCourts services are available in English, Hindi, and 11 regional languages.

**3.2.10. Touch Screen Kiosks**

In most of the court complexes in the country, a screen called Touch Screen Kiosks is installed. Through this screen, advocates and litigants can gather information relating to cause lists, case status, and any information relating to pending cases.[[81]](#footnote-82)

* + 1. **E-Sewa Kendra**

E-SewaKendras have been created in the high courts and one district court in each state on a pilot basis. It enables litigants to obtain information concerning their case status and to obtain copies of judgments and orders. These centers also extend assistance in the e-filing of cases. These kinds represent a significant step for the common man and his right to access justice.

* + 1. **Facilities To Be Provided In E-Sewa Kendra**

E-SewaKendras will offer services for litigants and lawyers, including case status investigations, simplified online applications for certified copies, e-filing of petitions, online purchases of e-stamp papers, Aadhaar-based digital signatures, and e-Courts mobile app. They will also facilitate e-Mulakat appointments, handle judge leave queries, and guide people on free legal services.[[82]](#footnote-83)

* + 1. **Promotion of e-LokAdalat**

Legal Services Authorities have taken steps to develop e-LokAdalats, which include standard operating procedures for conducting e-LokAdalats, technical training through system officers for the court staff, WhatsApp groups for litigants, advocates, and respondents for conveying relevant information and links for attending e-LokAdalats, and video conferencing links and cause lists displayed on the website of the district courts. During the COVID pandemic, the legal services authorities, under the aegis of the National Legal Services Authority (NALSA), ingeniously integrated technology to move LokAdalat to the virtual platform, better known as e-LokAdalats. Since e-LokAdalats are organised simultaneously with regular LokAdalats, benches are constituted on the basis of the volume of cases referred by various courts, tribunals, and institutions for pre-litigation cases. The first e-LokAdalat was held in Madhya Pradesh on June 27, 2020. The details of the e-LokAdalatsorganised from June 2020 to June 2022 in 28 states and UTs, including Maharashtra, The LokAdalats are the most effective mode of alternative dispute resolution (ADR) mechanism for arresting the mounting arrears of the courts, including the high courts. 38.36 lakh pre-litigation cases and 8.34 lakh pending cases in courts have been disposed of by e-LokAdalats from June 2020 to June 2022.[[83]](#footnote-84)

**4.1 Towards Technology Transformed Justice System**

With the presence of information technology, the working of the judiciary has been enhanced, and during the pandemic, virtual hearings had an advantage for all, which saved both time and money. It is definite that with the role of technology, legal services will become more efficient and give us an opportunity to do more of what we are already doing. Technology can be a game changer in legal services. This can be viewed in two ways. First, technology makes it possible for stakeholders to offer meaningful service to society. Second, most of the data and information are available, so the legal services advocate has an opportunity to represent and protect the interests of their clients. Further, technology has improved the delivery of effective legal help at an affordable price. Former Chief Justice of India MN Venkatachaliah said, "Pendency is a serious problem plaguing our judicial system. The Indian judiciary needs to adopt new tools and technology that will speed up the process and mitigate delays. Technology, like artificial intelligence (AI), can help the judiciary in a big way, and with this, Indian courts would be able to dispose of almost 90% of the pending cases in just 18 months.”[[84]](#footnote-85)The Indian judiciary is utilizing AI technology to streamline the justice process through the eCourts Mission Mode Project, aiming to connect AI with basic computing hardware for administrative purposes.”[[85]](#footnote-86)

**4.2 Challenges in e-court project implementation in India**

Indian courts struggle with paper and files, while Singapore has embraced e-litigation by introducing electronic filing, extract, summoning, and information services to reduce paper usage and streamline courtroom operations..[[86]](#footnote-87) Corruption is the biggest problem in the lower judiciary, as is the lack of transparency. The digitization of the process will curb corruption and facilitate providing justice to all.[[87]](#footnote-88) An online database regulates the justice system, allowing under-trial prisoners to file petitions and request fast-track cases, reducing police and prison burdens, and automatically scheduling dismissal cases.[[88]](#footnote-89) The 2005 National Policy aims to enhance access to justice by implementing ICT in the Indian Judiciary, ensuring effective legal assistance for vulnerable and poor citizens.

**5.1. Conclusion**

From the wide range of literature reviewed for the purpose of the study, it can be concluded that the judicial system of India remained untouched by technological innovations, and unlike other government departments that adopted digitalization at a fast pace, Indian courts and judicial systems digitalized in a slow manner. As a result, the benefits and outcomes of effective utilisation of technology for strengthening the judicial process and enhancing access to justice were not observed. Effective utilisation of emerging modern technology for overhauling the entire judicial framework is highly required so that the barriers and shortcomings of the existing traditional judicial system can be mitigated by the use of technology and the Internet. Although India’s recent effort towards the digitalization of judicial infrastructure by establishing virtual courts and launching applications like the e-court app, the Nayaya Mitra app, the Nyaya Bandhu app, and the Tele-Law initiative has achieved milestones in the dimension of enhancing access to justice through the usage of technology, It is our need to adopt some other global technologies, such as artificial intelligence, etc., so that the usage of technology can be more properly generalised and the common citizens of India shall benefit from the same. Lastly, it can be stated that the state has rectified its mistake of delaying the acceptance of technology in judicial functioning. By taking remarkable steps in the past decade, however, a lot has to be done to strengthen technological initiatives to promote citizen-friendly and court-friendly innovations for bringing justice to the doors of economically and socially marginalised communities in India.

1. \* Associate Professor, Dr. B.R. Ambedkar National Law University, Sonepat, Haryana [↑](#footnote-ref-2)
2. \*\* Assistant Professor, Department of Laws, BPSMV  Khanpur Kalan, Sonipat ( Haryana) [↑](#footnote-ref-3)
3. Preamble, The Constitution of India (1950). [↑](#footnote-ref-4)
4. Article 21, The Constitution of India (1950). [↑](#footnote-ref-5)
5. Article 39-A, The Constitution of India (1950). [↑](#footnote-ref-6)
6. Section 12, Legal Services Authorities Act (1987). [↑](#footnote-ref-7)
7. Express News Service, “Access to justice still a challenge for millions: Justice Ramana “, The Indian Express, March 23,2021. [↑](#footnote-ref-8)
8. *(2013) 170 PLR 70* [↑](#footnote-ref-9)
9. *Ibid.* [↑](#footnote-ref-10)
10. *979 SCR (3) 532* [↑](#footnote-ref-11)
11. *Ibid.* [↑](#footnote-ref-12)
12. *Ibid.* [↑](#footnote-ref-13)
13. United Nations (2023).*Goal 16 | Department of Economic and Social Affairs*. [online] sdgs.un.org. Available at: https://sdgs.un.org/goals/goal16 [Accessed 5 Oct. 2023]. [↑](#footnote-ref-14)
14. *AIR 2016 SC 3506.* [↑](#footnote-ref-15)
15. National Judicial Data Grid,pending cases available at <https://njdg.ecourts.gov.in/njdgnew/?p=main/pend_dashboard> accessed on 10.08.2023. [↑](#footnote-ref-16)
16. *Ibid.* [↑](#footnote-ref-17)
17. *Ibid.* [↑](#footnote-ref-18)
18. *Ibid.* [↑](#footnote-ref-19)
19. *Ibid.* [↑](#footnote-ref-20)
20. *Ibid.* [↑](#footnote-ref-21)
21. *Ibid.* [↑](#footnote-ref-22)
22. PTI, “Nearly 5 Crore Pending Cases In Courts, Over 69,000 In Supreme Court”, NDTV February 09, 2023. [↑](#footnote-ref-23)
23. Tamil Nadu State Judicial Academy on 23-06-2011 [↑](#footnote-ref-24)
24. Express News Services, “Technology is here to stay, forever’, CJI Chandrachud tells High Court Chief Justices “, The Indian Express, February 14,2023. [↑](#footnote-ref-25)
25. ReshmaShekhar, “Justice now depends on technology,’ said SA Bobde. Indian judiciary has miles to go. “The Print, published on November 01 ,2021. [↑](#footnote-ref-26)
26. PTI, “Technology A Powerful Tool In Legal System To Improve Efficiency, Accessibility: Chandrachud”, Outlook published on 25 JAN 2023. [↑](#footnote-ref-27)
27. PTI, ‘Video-conferencing allowed for evidence’ TOI, published on Apr 2, 2003. [↑](#footnote-ref-28)
28. E-COMMITTEE Supreme Court of India New Delhi, National Policy and Action Plan for Implementation of Information and Communication Technology In The Indian Judiciary 1st August, 2005. [↑](#footnote-ref-29)
29. Ibid. [↑](#footnote-ref-30)
30. National Legal Services Authorities.<https://nalsa.gov.in/about-us/introduction> access on 17.07.23. [↑](#footnote-ref-31)
31. [↑](#footnote-ref-32)
32. [https://www.statista.com/statistics/262966/number-of-internet-](https://www.statista.com/statistics/262966/number-of-internet-%20%20users-in-selected-countries/)

 [users-in-selected-countries/](https://www.statista.com/statistics/262966/number-of-internet-%20%20users-in-selected-countries/) accessed on 11.08-23. [↑](#footnote-ref-33)
33. Tanushree Basuroy, “Number of internet users in India from 2010 to 2020, with estimates until 2040” Statista, July 27,2022. [↑](#footnote-ref-34)
34. Richard Susskind, Daniel Susskind “The Future of professions: How technology will trans form the work of human experts(OUP,2017). [↑](#footnote-ref-35)
35. E-Committee, Supreme Court of India, available at <http://supremecourtofindia.nic.ac.in/e-committee> accessed

 on 11.08.2023. [↑](#footnote-ref-36)
36. Ibid. [↑](#footnote-ref-37)
37. Ibid. [↑](#footnote-ref-38)
38. Ibid. [↑](#footnote-ref-39)
39. Ibid. [↑](#footnote-ref-40)
40. NATIONAL LEGAL SERVICES AUTHORITY, “STATEMENT SHOWING the AMOUNT of FUNDS ALLOCATED to the STATE LEGAL SERVICES AUTHORITIES INCLUDING SUPREME COURT LEGAL SERVICES COMMITTEE during the FINANCIAL YEAR 2021-22 .,” *Https://Nalsa.gov.in/* (NEW DELHI: NATIONAL LEGAL SERVICES AUTHORITY, 2022), <https://nalsa.gov.in/grants-and-accounts/grands/grants-2021-2022>. [↑](#footnote-ref-41)
41. Ibid. [↑](#footnote-ref-42)
42. NALSA, “Statistical Information in Respect of the Legal Services Clinics during the Period from April, 2022 to March 2023.,” *Https://Nalsa.gov.in/* (NEW DELHI: NATIONAL LEGAL SERVICES AUTHORITY, 2023), <https://nalsa.gov.in/statistics/legal-service-clinics-report/legal-service-clinics-april-2022-to-march-2023>. [↑](#footnote-ref-43)
43. DAKSH, Commonwealth Human Rights Initiative, Common Cause, Centre for Social Justice, Vidhi Centre for Legal Policy, and TISS-Prayas. , “India Justice Report Ranking States on Police, Judiciary, Prisons and Legal Aid (2022),” *Https://Indiajusticereport.org* (NEW DELHI, April 2023), <https://indiajusticereport.org/files/IJR%202022_Full_Report1.pdf>. (P-3) [↑](#footnote-ref-44)
44. *Ibid.* [↑](#footnote-ref-45)
45. *Ibid.* [↑](#footnote-ref-46)
46. *Supra (see note no. 40)* [↑](#footnote-ref-47)
47. *Supra (see note no. 40 )* [↑](#footnote-ref-48)
48. *Supra (see note no. 40)* [↑](#footnote-ref-49)
49. *Supra (see note no. 40)* [↑](#footnote-ref-50)
50. *Supra (see note no. 40)* [↑](#footnote-ref-51)
51. *Supra (see note no. 40)* [↑](#footnote-ref-52)
52. *Supra (see note no. 40)* [↑](#footnote-ref-53)
53. *Supra (see note no. 40)* [↑](#footnote-ref-54)
54. *Ibid.* [↑](#footnote-ref-55)
55. *Ibid.* [↑](#footnote-ref-56)
56. PIB (2023).*Free legal aid and advice through the Nyaya Bandhu program*. [online] pib.gov.in. Available at: https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1944789 [Accessed 5 Oct. 2023]. [↑](#footnote-ref-57)
57. *Ibid.* [↑](#footnote-ref-58)
58. DEPARTMENT OF JUSTICE, “Nyaya Bandhu - Home,” *Https://Probono-Doj.in/*, July 14, 2023, <https://probono-doj.in/home/index>. [↑](#footnote-ref-59)
59. *Ibid.* [↑](#footnote-ref-60)
60. DoJ (2021).*Faq | Tele-law*. [online] www.tele-law.in. Available at: https://www.tele-law.in/faq.html#:~:text=Common%20Service%20Centre%20(CSC)%20is [Accessed 6 Oct. 2023]. [↑](#footnote-ref-61)
61. *Ibid.* [↑](#footnote-ref-62)
62. DEPARTMENT OF JUSTICE, “Overview of Tele-Law,” *Https://Www.tele-Law.in/*, 2022, <https://www.tele-law.in/overview-of-tele-law.html>. [↑](#footnote-ref-63)
63. *Ibid.* [↑](#footnote-ref-64)
64. DOJ (2021).*Tele-law total outcome Report 2021*. [online] Available at: https://d3fp5tyfm1gdbn.cloudfront.net/2022/Jan/20/1642678164\_Outcome%20Report%20of%20Tele-Law.pdf [Accessed 6 Oct. 2023]. [↑](#footnote-ref-65)
65. *Ibid.* [↑](#footnote-ref-66)
66. *Ibid.* [↑](#footnote-ref-67)
67. *Ibid.* [↑](#footnote-ref-68)
68. DEPARTMENT OF JUSTICE, “DASHBOARD,” *Https://Plv.tele-Law.in/*, October 07, 2023, <https://plv.tele-law.in/DGQI/index.html>. [↑](#footnote-ref-69)
69. *Ibid.* [↑](#footnote-ref-70)
70. Department of Justice, “CENTERS DATA,” *Https://Plv.tele-Law.in/*, October 07, 2023, <https://plv.tele-law.in/DGQI/centersData.html>. [↑](#footnote-ref-71)
71. Department of Justice, “CENTERS DATA,” *Https://Plv.tele-Law.in/*, October 07, 2023, <https://plv.tele-law.in/DGQI/centersData.html>. [↑](#footnote-ref-72)
72. <http://vcourts.gov.in/> accessed on 13,08.23. [↑](#footnote-ref-73)
73. <http://hcservices.ecourts.gov.in/> accessed on 13.08.23. [↑](#footnote-ref-74)
74. <http://pay.ecourts.gov.in/> accessed on 13.08.23. [↑](#footnote-ref-75)
75. <https://efiling.ecourts.gov.in/> accessed on 14.08.23 [↑](#footnote-ref-76)
76. Siddharth Peter de Souza &VarshaAithala, “Can Technology Finally Deliver on India’s Legal Aid Promise?” Standford social Innovation Review Jul. 27, 2018. [↑](#footnote-ref-77)
77. <https://doj.gov.in/designing-innovative-solutions-for-holistic-access-to-justice-disha/> accessed on 13.08.23. [↑](#footnote-ref-78)
78. Articles 39A, 14 and 21 of the Constitution of India. [↑](#footnote-ref-79)
79. SrinathSridharan, Namita Shah ‘A digital legal system needed for speedy justice’. The Hindu Business Line January 19, 2023. [↑](#footnote-ref-80)
80. *Ibid.* [↑](#footnote-ref-81)
81. Available at <https://ecommitteesci.gov.in/service/touch-screen-kiosks/> 16.08.23. [↑](#footnote-ref-82)
82. e -committee,Supreme Court of India available at <https://nalsa.gov.in/lok-adalat> accessed on 16.8.23. [↑](#footnote-ref-83)
83. LokAdalat available at <https://nalsa.gov.in/lok-adalat> accessed on 16.8.23. [↑](#footnote-ref-84)
84. Moneylife Digital Team, “By Using Technology 90% of the Cases Can be Disposed of in 18 Months”- Justice MN Venkatachaliah,MoneyLife,December 19,2020. [↑](#footnote-ref-85)
85. Justice L.N. Rao, ‘AI and the law’, (Online webinar of ShyamPadman Associates, 6 August 2020) <https://www.youtube.com/watch?v=ZJsIQwPn5AU> accessed on 16.08.23. [↑](#footnote-ref-86)
86. Himadri Ghosh, “ 8 Years: The Time It’ll Take India’s Lower Courts To Clear Their 25 Million Pending Cases!”IndiaSpend.com December 03,2015. [↑](#footnote-ref-87)
87. PrantikSengupta, From CJI Impeachment To Justice Loya Case: The Judiciary Needs Major Reform [↑](#footnote-ref-88)
88. Yashswini Mathur, ‘Why Do Indian Courts Take So Long To Deliver Justice?’YKA ,Feb 15,2017. [↑](#footnote-ref-89)