



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution- Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

DIGITALISATION OF CIVIL JUSTICE IN INDIA: E-FILING, PROCEDURAL EFFICIENCY AND ACCESS TO JUSTICE UNDER THE CODE OF CIVIL PROCEDURE, 1908

SUHAIL SALAFI M

ABSTRACT

India's civil courts have moved from a handful of computerised registries to a national platform on which more than 1.25 crore cases have been e-filed, yet the Code of Civil Procedure, 1908 (CPC) still speaks the language of paper: complaints are “presented”, summonses are “delivered” and documents are “produced”. This paper examines how far the CPC, read with the Information Technology Act, 2000, the new evidence law and High Court rules, supports electronic filing, and what digitalisation has actually done for procedural efficiency and access to justice. It points out that the framework is technology neutral but not technology enabling. There have been problems with E-filing being based upon High Court rules and practice directions not uniform legislation which have had the consequence that documents were duplicated, there was uncertainty about the limitation effect and differential access to the system. Drawing on official data, judicial decisions and comparative experience, the paper concludes that digitalisation improves speed and convenience only when it is paired with a clear statutory mandate, assisted access for the digitally excluded and honest measurement of results, and it proposes targeted reforms to that end.

Keywords : *Digitalisation; E-Filing; Code of Civil Procedure; eCourts; Procedural Efficiency; Access to Justice*

I. INTRODUCTION

Delay is the first fact that any account of civil justice in India has to confront. According to the National Judicial Data Grid (NJDG), the district and taluka courts have about 1.12 crore civil cases pending, roughly one in five of their 5.23 crore total, and about 24 lakh of those civil cases are more than five years old. The High Courts carry a further 44 lakh civil matters.¹ For a litigant this backlog is not an abstraction. Digital technology is now offered as a remedy for many of these frictions.

The State's investment in that remedy is considerable. The e-Courts Mission Mode Project has passed through three phases, and Phase III (2023–2027), approved with an outlay of ₹7,210 crore, aims among other things at paperless courts, wider e-filing and e-payment, and digitisation of the entire court record, including legacy files.² By early 2026 the Government reported that over 660 crore pages of court records had been digitised, that courts had conducted more than 3.97 crore hearings by video conferencing, and that about 1.07 crore cases had been e-filed. The last figure had grown to more than 1.25 crore by 30 June 2026.³

The legal framework in which these tools operate, however, was built for paper. The CPC has been amended repeatedly, most substantially in 1976 and by the amendment Acts of 1999 and 2002. Those amendments were directed mainly at curbing delay

¹ National Judicial Data Grid, District and Taluka Courts, https://njdg.ecourts.gov.in/njdg_v3/ (last visited Oct. 5, 2026) (reporting 1,12,15,515 pending civil cases, of which 15,83,890 are five to ten years old and 8,16,918 are older than ten years); Lok Sabha Unstarred Question No. 3501, Pendency of Cases in Courts, Annex. I (Mar. 13, 2026) (answer by Arjun Ram Meghwal, Minister of State (Independent Charge), Ministry of Law and Justice) (India) [hereinafter Lok Sabha Q. 3501] (reporting 44,63,188 civil cases pending in the High Courts as of Mar. 9, 2026).

² Press Information Bureau, Ministry of Law and Justice, *e-Courts Mission Mode Project Phase-III* (Feb. 6, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2100328®=48&lang=2>; Lok Sabha Q. 3501, *supra* note 1 (noting approval of Phase III on Sept. 13, 2023 with an outlay of ₹7,210 crore).

³ Lok Sabha Starred Question No. 306, Information and Communication Technology in Courts (Mar. 13, 2026) (statement of Arjun Ram Meghwal, Minister of State (Independent Charge), Ministry of Law and Justice) (India) [hereinafter Lok Sabha Q. 306] (data as on Jan. 31, 2026); *1.25 Cr Cases Filed Through e-Courts in India: Govt in LS*, NewsArena India (2026), <https://newsarenaindia.com/nation/1-25-cr-cases-filed-through-e-courts-in-india-govt-in-ls/83563> (reporting a written reply in the Lok Sabha with data up to June 30, 2026).

within a paper-based process, although the 2002 amendments did open the door to service by fax and electronic mail.⁴ Even there, the detail of electronic service is left to rules framed by each High Court.⁵ The consequence is that electronic filing in India rests less on the Code than on High Court rules, notifications and practice directions.

This paper asks three questions. First, what legal basis does the CPC, read with allied statutes, provide for electronic filing and related digital procedure? Second, What has been the experience of e-filing in practice and has it improved procedural efficiency? Thirdly, what has digitalisation meant for access to justice, in particular for litigants who are not repeat players or digitally excluded? The method undertaken has been doctrinal supplemented by the use of official data in the form of parliamentary replies and the NJDG. One limitation should be stated at the outset. The official data takes up rates of e-filed as against paper filed suits for processing, not turnaround, so causation claims have to be made with care. Part II gives the conceptual background, Part III the e-Courts architecture, and Part IV the legal framework. Parts V to VII deal with e-filing, efficiency and access. Part VIII essay has a brief analysis of comparisons, Part IX proposes reforms and Part X is a conclusion.

II. CONCEPTUAL FRAMEWORK: ACCESS TO JUSTICE, EFFICIENCY AND DIGITALISATION

Access to justice is the oldest of the three ideas and the most contested. In their influential study, Cappelletti and Garth described three “waves” of reform: legal aid for the poor, the representation of diffuse interests, and a third wave concerned with the whole machinery of dispute resolution, including procedural simplification and alternative forums.⁶ Digitalisation of court procedure belongs to that third wave. Indian constitutional law supplies its own vocabulary. The Supreme Court has read speedy trial into Article 21 and has treated access to justice as part of the guarantee,

⁴ The Code of Civil Procedure (Amendment) Act, 1976, No. 104, Acts of Parliament, 1976 (India); The Code of Civil Procedure (Amendment) Act, 1999, No. 46, Acts of Parliament, 1999 (India); The Code of Civil Procedure (Amendment) Act, 2002, No. 22, Acts of Parliament, 2002 (India).

⁵ The Code of Civil Procedure, 1908, Order V, r. 9(3), No. 5, Acts of Parliament, 1908 (India) [hereinafter CPC].

⁶ Mauro Cappelletti & Bryant Garth, *Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective*, 27 Buff. L. Rev. 181 (1978).

comprising among other things a forum within the litigant's reach, affordability and expedition. Article 39A adds the directive that the State secure equal justice and free legal aid.⁷

Procedural efficiency is easier to name than to measure. Speed matters, but so do the number of steps a litigant must take, the cost of each step, the predictability of the process and the avoidance of wasted hearings. Efficiency is also not an unqualified good. A process that disposes of cases quickly by shutting out a party who cannot navigate it has not made justice more efficient in any sense that matters. The Supreme Court upheld the 1999 and 2002 amendments, which were designed to speed up civil trials, in *Salem Advocate Bar Association v. Union of India*, but the goal of speed was always to be balanced against a fair hearing.⁸

Digitalisation itself covers several things that are often run together. Digitisation converts existing records into digital form. Digitalisation of process moves steps such as filing, payment, service and hearing onto electronic channels. A third and more ambitious stage, which Richard Susskind associates with online courts, redesigns how disputes are resolved so that parts of the process no longer need a courtroom at all.⁹ India's programme has so far concentrated on the first two. That matters for what can reasonably be expected of it. Moving an unchanged procedure onto a screen can reduce travel and handling, but it will not by itself reduce the number of adjournments or the length of trials.

III. THE E-COURTS ARCHITECTURE

The institutional starting point was the National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary, prepared by the e-Committee of the Supreme Court in 2005.¹⁰ The e-Courts Mission Mode Project grew out of that policy and is implemented by the Department

⁷ India Const. art. 21; India Const. art. 39A; *Hussainara Khatoon v. Home Sec'y, State of Bihar*, (1980) 1 S.C.C. 81 (India); *Anita Kushwaha v. Pushap Sudan*, (2016) 8 S.C.C. 509 (India).

⁸ *Salem Advoc. Bar Ass'n v. Union of India*, (2003) 1 S.C.C. 49 (India); *see also Salem Advoc. Bar Ass'n v. Union of India*, (2005) 6 S.C.C. 344 (India).

⁹ Richard Susskind, *Online Courts and the Future of Justice* (2019).

¹⁰ e-Committee, Supreme Court of India, *National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary* (2005).

of Justice together with the e-Committee, through the High Courts, in a decentralised manner. Phase I (2011–2015), with an outlay of ₹935 crore, concentrated on computerisation: hardware, connectivity and a case information system. Phase II (2015–2023), with an outlay of ₹1,670 crore, extended ICT enablement to district and subordinate courts, and by 2023 digital infrastructure had been provided to 18,735 courts. Phase III, with an outlay of ₹7,210 crore, more than four times that of Phase II, shifts the emphasis to paperless courts, universal e-filing, digitisation of legacy records, expanded virtual courts and “future technological advancements” such as artificial intelligence.¹¹

By early 2026 the visible components included the NJDG, Case Information System 4.0, the e-filing portal, e-payment of court fees, video conferencing facilities in 3,240 court complexes, virtual courts for traffic challans, the National Service and Tracking of Electronic Processes (NSTEP) for summons, and 2,444 e-Sewa Kendras across High Courts and district courts to help litigants who cannot use the portals themselves. Live streaming of proceedings was operational in eleven High Courts, and a paperless-court application for judges, Digital Courts 2.1, had been developed.¹²

The Government credits these measures with having produced gains that can actually be measured and verified. In a March 2026 reply to Parliament it stated that annual institution of cases rose from 0.98 crore in 2014 to 2.64 crore in 2025, while annual disposals rose from 0.81 crore to 2.49 crore.¹³ Taken at face value, these figures imply that the ratio of disposals to institutions improved from roughly 83 per cent to roughly 94 per cent. That is a real improvement, but two cautions apply. The response attributes this change to eCourts facilities; however, it does not isolate this effect from other factors, such as fluctuations in the number of judges. And a ratio below 100 per cent means that the stock of pending cases is still growing. The figures are best read as evidence of a system under strain that is processing more work, not as proof that e-Courts has caused faster justice.

¹¹ *eCourts Mission Mode Project Advancing ICT in Judiciary*: Law Minister Arjun Ram Meghwal, All India Radio News (Dec. 12, 2024), <https://www.newsonair.gov.in/ecourts-mission-mode-project-advancing-ict-in-judiciary-law-minister-arjun-ram-meghwal> (reporting a written reply in the Rajya Sabha); Press Information Bureau, *supra* note 2.

¹² Lok Sabha Q. 306, *supra* note 3; Lok Sabha Q. 3501, *supra* note 1 (reporting 2,444 e-Sewa Kendras).

¹³ Lok Sabha Unstarred Question No. 3628, Expansion and Strengthening of e-Courts Infrastructure (Mar. 13, 2026) (India) [hereinafter Lok Sabha Q. 3628].

IV. THE LEGAL FRAMEWORK UNDER THE CPC AND ALLIED LAWS

A. Institution of Suits and Pleadings

The Code does not forbid electronic procedure, but its text presupposes paper. Section 26(1) provides that every suit is instituted by presenting a plaint “or in such other manner as may be prescribed”, and Order IV Rule 1, as amended in 2002, adds that a plaint is not duly instituted unless it is presented to the court, or an officer it appoints, and complies with Orders VI and VII.¹⁴ The words “such other manner as may be prescribed” are the textual hook for e-filing. “Prescribed” means prescribed by rules, and the High Courts have power under Section 122 to make rules regulating the procedure of the civil courts subject to their superintendence.¹⁵ Whether electronic submission of a plaint amounts to “presentation” under Order IV Rule 1 is not settled by the text, but every High Court that has notified e-filing rules proceeds on the footing that, once such rules exist, it does.

Pleadings must be signed and verified. Order VI Rule 14 requires the pleading to be signed by the party and her advocate, Rule 15 requires verification and an accompanying affidavit, and Section 26(2) requires facts in a plaint to be proved by affidavit.¹⁶ The Information Technology Act, 2000 supplies the missing link on form. Section 4 treats an electronic record as satisfying a legal requirement that information be in writing, and Section 5 gives legal recognition to electronic signatures where a signature is required.¹⁷ E-signing through Aadhaar-based authentication, and in the Delhi district courts also through a one-time password sent to the filer’s mobile, is an attempt to satisfy these requirements in electronic form.¹⁸ Section 6 of the IT Act, which deals with filing of forms and documents with offices of the Government and

¹⁴ CPC, *supra* note 5, § 26(1), Order IV, r. 1.

¹⁵ CPC, *supra* note 5, §§ 2(16), 122; India Const. art. 227.

¹⁶ CPC, *supra* note 5, Order VI, rr. 14–15; *id.* § 26(2).

¹⁷ The Information Technology Act, 2000, §§ 4–5, No. 21, Acts of Parliament, 2000 (India) [hereinafter IT Act].

¹⁸ High Court of Delhi, Notice dated Aug. 12, 2026 (reproducing e-filing rules), https://delhihighcourt.nic.in/files/2026-08/cause-list/combined_causelist_12.08.2026.pdf.

its agencies, is not obviously addressed to the judiciary, which is one more reason why High Court rules rather than executive rules carry the main burden.¹⁹

B. Service of Process

Service of process is the area where the Code speaks most directly. Order V Rule 9(3) permits service of summons by registered post, speed post, approved courier or any other means of transmission, including fax and electronic mail, but only as “provided by the rules made by the High Court”.²⁰ The qualification is critical: e-mail service under the Code is available only where a High Court has framed rules for it. During the pandemic the Supreme Court bypassed that dependency. In July 2020, invoking its powers under Article 142, it directed that notices, summons and pleadings could be served by e-mail, fax and instant messaging services such as WhatsApp, provided that service through a messaging application was accompanied by e-mail service of the same document on the same day.²¹ That order responded to lockdown conditions. It is not a standing amendment of the Code.

C. Evidence and Hearings

Electronic documents raise the question of proof. Under the Indian Evidence Act, 1872, the certificate requirement in Section 65B became a major source of litigation. In *Anvar P.V. v. P.K. Basheer* the Supreme Court held that electronic records could be proved as secondary evidence only through compliance with Section 65B, and in *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal* it confirmed that the certificate is a condition of admissibility where the original device is not produced.²² The Bharatiya Sakshya Adhiniyam, 2023, in force since 1 July 2024, now declares in Section 61 that an electronic record cannot be denied admissibility merely because it

¹⁹ IT Act, *supra* note 17, § 6.

²⁰ CPC, *supra* note 5, Order V, r. 9(3).

²¹ In re Cognizance for Extension of Limitation, Suo Motu W.P. (C) No. 3 of 2020, I.A. No. 48461/2020 (India July 10, 2020).

²² *Anvar P.V. v. P.K. Basheer*, (2014) 10 S.C.C. 473 (India); *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, (2020) 7 S.C.C. 1 (India).

is electronic, while Section 63 requires a certificate in a prescribed two-part form, one part completed by the person in charge of the device and the other by an expert.²³

Under the law and judicial rules, court hearings held online or through video conference now enjoy more recognition and stronger legal protection than ever before. In *State of Maharashtra v. Praful B. Desai*, a criminal case, the Supreme Court accepted that evidence taken by video conferencing satisfies the requirement of a witness's presence, and the reasoning has been widely relied on beyond the criminal context.²⁴ In April 2020 the Court authorised all High Courts to adopt video conferencing, directed courts to make facilities available to litigants lacking the means to use them, and provided that, until rules were framed, evidence would be recorded by video conferencing only with the mutual consent of the parties.²⁵ Video conferencing rules have since been implemented in all High Courts and district courts, and live streaming, which the Court endorsed in *Swapnil Tripathi v. Supreme Court of India* as an aspect of open justice, operates in eleven High Courts.²⁶ These developments sit comfortably with Section 153B of the CPC, which declares that a civil court is an open court to which the public generally may have access, but the Code itself says nothing about a virtual courtroom.²⁷

D. The Missing General Provision

The contrast with criminal procedure is instructive. Section 530 of the Bharatiya Nagarik Suraksha Sanhita, 2023 provides that all trials, inquiries and proceedings under that statute, including the issuance and service of summons and warrants, the examination of witnesses and the recording of evidence, may be held in electronic mode through electronic communication or audio-video electronic means.²⁸ The CPC has no provision of equivalent width. Electronic procedure in civil matters has instead

²³ The Bharatiya Sakshya Adhiniyam, 2023, §§ 61, 63 & sched., No. 47, Acts of Parliament, 2023 (India).

²⁴ *State of Maharashtra v. Praful B. Desai*, (2003) 4 S.C.C. 601 (India).

²⁵ *In re Guidelines for Court Functioning Through Video Conferencing During COVID-19 Pandemic*, Suo Motu W.P. (C) No. 5 of 2020 (India Apr. 6, 2020).

²⁶ Lok Sabha Q. 306, *supra* note 3; *Swapnil Tripathi v. Supreme Court of India*, (2018) 10 S.C.C. 628 (India).

²⁷ CPC, *supra* note 5, § 153B.

²⁸ The Bharatiya Nagarik Suraksha Sanhita, 2023, § 530, No. 46, Acts of Parliament, 2023 (India).

been assembled from several sources: High Court rules under Section 122, Supreme Court orders under Article 142, and sector-specific statutes. The Mediation Act, 2023 permits online mediation with the written consent of the parties, and the Commercial Courts Act, 2015 has brought stricter timelines and case management into commercial suits and made pre-institution mediation compulsory for those that do not seek urgent interim relief.²⁹ Each works within its own sphere. Together they leave a gap: no single provision tells a litigant, a registry or an appellate court what the legal consequences of e-filing, e-service and virtual hearing are across civil proceedings.

V. E-FILING IN PRACTICE

E-filing is operational in 25 High Courts and the district courts under them, on a portal built around the Model Rules for e-Filing framed by the Supreme Court's e-Committee. By 30 June 2026 about 1.26 crore cases had been e-filed, of which about 20.2 lakh were in High Courts and about 1.06 crore in district courts.³⁰ Uptake, however, is very uneven. The Bombay High Court and the district courts under it account for more than 34 lakh e-filed cases and the Madras High Court for more than 27 lakh, while the Delhi district courts account for over 19 lakh. By contrast, the Government's own table as on 31 January 2026 shows no e-filed cases at all in the Arunachal Pradesh, Mizoram and Nagaland benches of the Gauhati High Court and only 40 in Meghalaya. Four High Courts, Allahabad, Delhi, Kerala and Madhya Pradesh, run their own e-filing applications instead of the national one.³¹

Scale also needs perspective. The Government's figure for annual institution in 2025 is 2.64 crore cases. Cumulative e-filed cases since the portal began therefore amount to less than half of a single year's institutions. Both figures cover all categories of cases, but they come from different sources and may not be strictly comparable.³² E-

²⁹ The Mediation Act, 2023, § 30, No. 32, Acts of Parliament, 2023 (India); The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, No. 4, Acts of Parliament, 2016 (India) [hereinafter Commercial Courts Act]; *Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd.*, (2022) 10 S.C.C. 1 (India).

³⁰ Lok Sabha Q. 306, *supra* note 3.

³¹ Lok Sabha Q. 306, *supra* note 3, Annex. (table of cases e-filed till Jan. 31, 2026); *1.25 Cr Cases Filed Through e-Courts*, *supra* note 3.

³² Lok Sabha Q. 3628, *supra* note 13; Lok Sabha Q. 306, *supra* note 3.

filing has moved from pilot to routine in some jurisdictions, but it is not yet the ordinary way in which most civil litigation begins.

The practice directions issued for the test run of e-filing in the Delhi district courts in 2019 illustrate a design choice that deserves attention: e-filing as a front end to a paper record. They required the signed hard copy to be filed at the counter within seven working days of acceptance, failing which the case would be placed in an “idle” category and later deleted. They counted limitation from the date of physical filing, and they stated that no exemption from limitation would be allowed because the portal was down.³³ Later instruments have moved towards assisted access. The Delhi High Court’s e-Filing Rules, for example, extend to filing through designated counters and e-Sewa Kendras for persons who cannot use the portal.³⁴ Still, the episode shows what happens when electronic filing is layered onto a procedural code that has no concept of an electronic filing date. The safest course for a cautious advocate is to do both, and the efficiency gain disappears.

The limitation question deserves separate treatment because it is where an uncertain rule does most harm. Under the Limitation Act, 1963, a suit is instituted, in an ordinary case, when the plaint is presented to the proper officer, and Section 4 extends the period where the court is closed on the last day.³⁵ Neither provision tells a litigant what happens when the portal accepts an upload at 11.58 p.m. but the registry finds a defect and returns the plaint a week later, or when the server is unavailable on the last day. Section 13 of the IT Act fixes when an electronic record is dispatched and received, but it was drafted for communications, not for court filings.³⁶ Some practice directions answer these questions harshly and others are silent. A litigant should not have to guess.

³³ Delhi District Courts, *Practice Directions for Electronic Filing (e-Filing) in the Delhi District Courts During Test Run Phase* ¶¶ 6.1, 9.1, 9.3 (applicable to cases filed on or after May 27, 2019), https://delhicourts.nic.in/viewdocuments/QTdPc0VsdjNtNDhWaUV3Z0x3VGWwYTU4NXVNL0hGUUVdYkVydEJFcEZJT3h5cm5hbFBhVkhHVE11SGdhak9XbWd2WmNhMUExb0FjVGVUdmlEOHdkame9PQ_EQUALS_EQUALS_.

³⁴ High Court of Delhi, *e-Filing Rules of the High Court of Delhi 2021*, as reproduced in Public Notice dated Feb. 6, 2026 and Notification No. 6/Rules/DHC (Jan. 24, 2026), https://www.delhihighcourt.nic.in/files/2026-02/cause-list/cause_list_for_21.02.2026.pdf.

³⁵ The Limitation Act, 1963, §§ 3(2)(a), 4, No. 36, Acts of Parliament, 1963 (India).

³⁶ IT Act, *supra* note 17, § 13.

Mandating e-filing before the bar and the registry are ready invites resistance. In December 2025 the Madras High Court notified mandatory e-filing of all cases in district courts through the e-Courts portal. After protests by bar associations the notification was kept in abeyance in January 2026, so that mandatory e-filing continued to apply only to original petitions and cheque dishonour cases, and a writ petition by bar associations challenging the mandate was listed for further hearing.³⁷ The episode is not a verdict on e-filing itself. It does show that mandates need consultation, training, reliable portals and a transition period if they are to be accepted.

VI. PROCEDURAL EFFICIENCY: WHAT THE EVIDENCE SHOWS

Service of summons is commonly identified as a major source of delay at the early stage of a civil suit, because a case cannot move until the defendant is before the court. NSTEP, the electronic service and tracking system with mobile and GPS-enabled delivery, had processed 7.29 crore e-processes by 31 January 2026.³⁸ That is a large number, but it counts processes generated and tracked. The official material does not report what proportion were served on the first attempt or how this compares with the position before NSTEP. E-mail and messaging-app service face a different difficulty, which is proof. Courts must still be satisfied that service was effected, so delivery receipts, official sender accounts and verified addresses become the evidence. That is why the Delhi district courts' directions provide that e-mails will be sent from official accounts whose addresses are published on the court's website.³⁹

Video conferencing has had the clearest effect on convenience. More than 3.97 crore hearings had been held by video conferencing by early 2026, facilitating remote appearance of undertrials, witnesses and lawyers, with facilities in 3,240 court complexes and 1,272 jails.⁴⁰ The figure covers all case types and so cannot be read as a measure of civil efficiency. Even so, it is plausible that remote appearance has saved lawyers and parties time and expense, especially for appearances in distant courts.

³⁷ *Madras High Court Puts Mandatory E-Filing in District Courts on Hold; Lawyers Withdraw Protest, Bar & Bench* (Jan. 7, 2026), <https://www.barandbench.com/amp/story/news/madras-high-court-puts-mandatory-e-filing-in-district-courts-on-hold-lawyers-withdraw-protest>.

³⁸ Lok Sabha Q. 306, *supra* note 3.

³⁹ Delhi District Courts, *supra* note 33, ¶ 8.

⁴⁰ Lok Sabha Q. 306, *supra* note 3.

The harder question is whether that saving has reduced adjournments or the time to judgment, and nothing in the official figures answers it. The NJDG does carry a “delay reason” module, and publishing disaggregated adjournment data for e-filed and paper-filed civil cases would allow the question to be tested.⁴¹

Technology also has to be placed beside the other causes of delay that the Government itself identifies. Answering a question on pendency in March 2026, the Law Ministry listed the complexity of the facts, the nature of the evidence, the co-operation of stakeholders such as the bar, investigating agencies, witnesses and litigants, and the availability of physical infrastructure and supporting staff.⁴² Judicial vacancies are part of the picture. As on 6 March 2026 the High Courts had 312 vacancies against a sanctioned strength of 1,122 judges, about 28 per cent, and the data tabled with a companion reply show 4,868 vacancies against 25,894 sanctioned posts in the subordinate judiciary, about 19 per cent.⁴³ A portal can shorten the interval between drafting a plaint and its registration. It cannot hear the case. Digitisation of 660 crore pages of records helps retrieval of old files, but about 24 lakh civil cases in the district courts are already more than five years old, and e-filing does nothing for them.

The CPC already contains the procedural instruments for faster trials: a written statement within thirty days, extendable to ninety under Order VIII Rule 1; examination-in-chief on affidavit under Order XVIII Rule 4; and, in commercial suits, a case management hearing under Order XV-A and a firmer limit on written statements.⁴⁴ Digital systems will not replace them, but they can help them. For example, alerts can be generated on due dates automatically, electronic communication can be used to convey information about the order, and dashboards can be used to monitor cases that are past the deadline. Examination-in-chief by

⁴¹ National Judicial Data Grid, *supra* note 1 (listing a “Delay Reason” dashboard).

⁴² Lok Sabha Q. 3501, *supra* note 1.

⁴³ Lok Sabha Unstarred Question No. 3545, Appointment of Judges in High Courts (Mar. 13, 2026) (India) (data as on Mar. 6, 2026); Lok Sabha Q. 3501, *supra* note 1, Annex. IV (data from the Nyaya Vikas 2.0 portal).

⁴⁴ CPC, *supra* note 5, Order VIII, r. 1, Order XVIII, r. 4; Commercial Courts Act, *supra* note 29, sched. (inserting Order XV-A); SCG Contracts (India) Pvt. Ltd. v. K.S. Chamankar Infrastructure Pvt. Ltd., (2019) 12 S.C.C. 210 (India).

affidavit may be filed electronically and cross-examination may even be scheduled for videoconference, without requiring the witness to physically appear. The Government reports more than four lakh SMS messages and six lakh e-mails sent daily to lawyers and litigants.⁴⁵ Such reminders are cheap, but whether they reduce non-appearance has not been measured in the sources reviewed.

VII. ACCESS TO JUSTICE: GAINS AND EXCLUSIONS

On the access side the gains are tangible. A litigant or advocate can file from home or office, pay court fees online (₹1,404 crore of court fees had been paid through the e-payment system by January 2026), receive case updates by SMS or e-mail, and check status on the e-Courts Services app, which has been downloaded 3.59 crore times.⁴⁶ For those who cannot manage alone, 2,396 e-Sewa Kendras operate in district courts, and the Tele-Law programme, which links citizens to panel lawyers through some 2.5 lakh Common Service Centres, had provided more than 1.12 crore pre-litigation advices by February 2026.⁴⁷ Live streaming and online access to case information strengthen the open-court principle recognised in Section 153B and in *Naresh Shridhar Mirajkar v. State of Maharashtra* and *Swapnil Tripathi*.⁴⁸

The same figures also show who is at risk of being left behind. The National Statistics Office's Comprehensive Modular Survey on Telecom, 2025 found that among persons aged 15 and above, 72.1 per cent of rural men and 57.6 per cent of rural women had used the internet in the preceding three months, against 85.5 per cent of urban men and 74.0 per cent of urban women. Only 48.4 per cent of rural women owned a mobile phone, compared with 90.0 per cent of urban men.⁴⁹ Using the internet is not the same as being able to prepare a PDF pleading, pay court fees online or authenticate a document, so these figures probably understate the gap for court-

⁴⁵ Lok Sabha Q. 306, *supra* note 3.

⁴⁶ Lok Sabha Q. 306, *supra* note 3.

⁴⁷ Lok Sabha Unstarred Question No. 3653, Use of Official and Regional Languages in Courts (Mar. 13, 2026) (India) [hereinafter Lok Sabha Q. 3653].

⁴⁸ CPC, *supra* note 5, § 153B; *Naresh Shridhar Mirajkar v. State of Maharashtra*, A.I.R. 1967 S.C. 1 (India); *Swapnil Tripathi*, *supra* note 26.

⁴⁹ Ministry of Statistics and Programme Implementation, Press Information Bureau, *Results of Comprehensive Modular Survey: Telecom, 2025 (January–March, 2025)* (May 29, 2025), <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2132330®=48&lang=2> (NSS 80th round).

related tasks. Proceedings in the Supreme Court and High Courts are in English under Article 348(1)(a), with Hindi authorised in only four High Courts (Rajasthan, Uttar Pradesh, Madhya Pradesh and Bihar), and although the e-filing portal is bilingual it requires pleadings to be uploaded as PDF documents.⁵⁰

Courts have begun to treat digital exclusion as a constitutional problem. In *Faheema Shirin R.K. v. State of Kerala* the Kerala High Court held that access to the internet is part of the right to education and the right to privacy under Article 21. In *Anuradha Bhasin v. Union of India* the Supreme Court held that freedom of speech and the freedom to carry on a profession or business through the internet enjoy constitutional protection. And in *Amar Jain v. Union of India* (30 April 2025) the Supreme Court held that inclusive and meaningful digital access to e-governance and welfare services is part of the right to life under Article 21, directing changes to digital KYC procedures so that persons with disabilities are not excluded.⁵¹ Amar Jain concerned KYC and not court portals, but its reasoning applies with equal force when the State makes a justice portal the primary route to a forum. A court system that moves its front door online incurs the obligation to keep a ramp beside the door.

Digital systems may also tilt the field between litigants. Marc Galanter's classic analysis of "repeat players", who litigate often, have specialised counsel and can invest in routines, applies naturally to e-filing: an institution with a legal cell, registered users and standard templates will adapt to a new portal far faster than a one-time litigant fighting a boundary dispute.⁵² Government is the largest of these institutional litigants. The Union of India alone is a party in more than 2.9 lakh cases pending in the High Courts.⁵³ The point is not that governments should be slowed

⁵⁰ India Const. art. 348(1)(a), (2); Lok Sabha Q. 3653, *supra* note 47; *eFiling Services Portal*, <https://filing.ecourts.gov.in/pdedev/> (describing the portal as bilingual); Delhi District Courts, *supra* note 33, ¶¶ 5.5–5.7.

⁵¹ *Faheema Shirin R.K. v. State of Kerala*, 2019 SCC OnLine Ker 2976 (India); *Anuradha Bhasin v. Union of India*, (2020) 3 S.C.C. 637 (India); *Amar Jain v. Union of India*, W.P. (C) No. 49 of 2025 (India Apr. 30, 2025).

⁵² Marc Galanter, *Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change*, 9 Law & Soc'y Rev. 95 (1974).

⁵³ Lok Sabha Unstarred Question No. 3533, Cases Where Government is a Litigant (Mar. 13, 2026) (India) (reporting 2,94,798 cases pending in High Courts and 24,794 in the Supreme Court, per the LIMBS portal).

down. It is that assisted access for individual litigants should be treated as part of the system and not as an afterthought.

Justice K.S. Puttaswamy (Retd.) v. Union of India recognised privacy as a fundamental right, and the Digital Personal Data Protection Act, 2023 now provides a statutory framework for processing personal data.⁵⁴ Civil pleadings and annexures routinely contain addresses, financial information, medical records and, in family and property disputes, sensitive personal detail. Openness of courts is a principle of the Code, but a physically open courtroom and a searchable online database are different things in the scale at which personal information can be collected and reused. The Government states that CIS 4.0 has privacy safeguards and that the e-Committee has formed a sub-committee of High Court judges to recommend secure connectivity and authentication arrangements, but the material reviewed for this paper does not show a published standard on redaction and retention of personal data in civil court records.⁵⁵

VIII. COMPARATIVE NOTES

Three reference points are useful. In England and Wales, the Civil Justice Council's 2015 report on online dispute resolution and Lord Justice Briggs's 2016 review of the civil courts structure both proposed an online court for lower-value claims, built around staged processes (online case-building, facilitation by court officers and, only if necessary, judicial decision) and accompanied by support for litigants unable to use online services.⁵⁶ China's internet courts, beginning with Hangzhou in 2017, hear certain disputes entirely online and illustrate the more far-reaching end of the spectrum that Susskind describes.⁵⁷ New York's mandatory e-filing programme in civil cases is closer to India's likely trajectory, and it automatically exempts

⁵⁴ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India); The Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

⁵⁵ Lok Sabha Q. 306, *supra* note 3; Lok Sabha Unstarred Question No. 3484, Use of Artificial Intelligence in Judiciary and Safeguards (Mar. 13, 2026) (India) [hereinafter Lok Sabha Q. 3484].

⁵⁶ Civil Justice Council, Online Dispute Resolution Advisory Group, *Online Dispute Resolution for Low Value Civil Claims* (Feb. 2015); Lord Justice Briggs, *Civil Courts Structure Review: Final Report* (July 2016).

⁵⁷ Susskind, *supra* note 9.

unrepresented persons from any obligation to e-file.⁵⁸ The common lesson is that jurisdictions which have made electronic procedure the default have done so through explicit procedural rules and have written the position of the digitally excluded into those rules. India has the technology and, increasingly, the usage. What the CPC lacks is the rule.

IX. RECOMMENDATIONS

First, Parliament should insert in the CPC a general enabling provision, modelled on Section 530 of the BNSS, recognising electronic institution of suits, filing of pleadings and documents, service of process, payment of court fees, recording of evidence and conduct of hearings, subject to stated safeguards.⁵⁹ Section 26(1) together with Order IV Rule 1 should explicitly mention the filing of the documents by using the electronic system designated by the court for the presentation of the documents. It is the duty of the provision to direct the High Courts to develop rules that conform to the Model Rules for e-Filing to ensure uniformity and minimize the differences in the manner of filing.

Second, limitation should be made certain. The date of filing should be the time of successful submission recorded by the server in Indian Standard Time, subject to removal of defects within a prescribed period. A hard copy should not be required for validity, and unavailability of the portal on the last day of the period should be treated like closure of the court under Section 4 of the Limitation Act. These are modest changes, but they would remove the main reason for filing twice.

Third, Order V Rule 9(3) should be amended so that service by e-mail to an address furnished by the party, with proof of delivery, is valid without waiting for High Court rules, and Order VII should require complaints to state the e-mail address and mobile number of each party where known. Messaging applications should remain an additional mode and not the sole mode, which mirrors the safeguard the Supreme Court imposed in 2020.

Fourth, Litigants in person should be exempt from mandatory e-filing unless they opt in, as in New York, and filing at counters or through e-Sewa Kendras should carry no

⁵⁸ N.Y. State Unified Court System, *E-Filing*, <https://ww2.nycourts.gov/courts/ljd/supctmanh/E-Filing.shtml>.

⁵⁹ BNSS, *supra* note 28, § 530.

penalty in time or cost. Legal services authorities, which Article 39A makes the natural partners, could staff the Kendras with trained paralegals. Mandates should be introduced in phases, by category of case and by court, after consultation with the bar, which is the lesson of the Madras episode.

Fifth, In light of *Amar Jain*, portals should be audited for accessibility to persons with disabilities, vernacular interfaces should be extended, and translation or transcription tools should remain assistive and subject to human verification. The Government describes its AI tools as limited to controlled pilot deployments, and rules for them are left to individual High Courts.⁶⁰ A published data-protection protocol for electronic court records, covering redaction of sensitive information, role-based access, retention and breach reporting and aligned with the Digital Personal Data Protection Act, 2023, is overdue.

Sixth, results should be measured. Courts should publish disaggregated data on time from filing to registration, defect rates, time to first hearing and adjournments by reason, comparing e-filed with paper-filed civil suits, and independent evaluation should precede any move to compulsory e-filing. Without such data the debate will continue to rest on counts of cases filed and hearings held, which show activity and not outcomes.

X. CONCLUSION

Digitalisation of civil justice in India is no longer an experiment. More than a crore of cases have been e-filed, hearings by video link are routine, and payment, tracking and notification have moved online. The achievements are real, and the scale of Phase III suggests that the direction will continue. But the Code of Civil Procedure, 1908 has not kept pace. It accommodates electronic procedure by implication and through High Court rules, not by design, and that leaves limitation, authentication, service and access to be settled differently in different courts.

The efficiency gains reported so far are gains in convenience and administrative handling. In the sources reviewed there is not yet evidence that e-filing shortens the life of a civil suit, and the chief causes of delay lie elsewhere, in vacancies, adjournments and the pace of trials. On access the picture is mixed. E-Sewa Kendras,

⁶⁰ Lok Sabha Q. 3484, *supra* note 55.

Tele-Law and live streaming widen the door, while the digital divide, language barriers and the demands of electronic evidence narrow it for those already at the margin. A procedural code for a digital age needs to do three things: give clear legal effect to electronic acts, guarantee an assisted or non-digital route for those who need it, and measure what the technology achieves. If it does, digitalisation can serve what Articles 21 and 39A ask of the justice system, and not merely the convenience of its most frequent users.