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E-Filing And E-Courts In Civil Procedure - Legal And Practical Implications

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Abstract:

The Indian judiciary is undergoing a transformative phase through the **e-Courts Mission Mode Project**, initiated under the **National e-Governance Plan**. The project, executed by the **Department of Justice (DoJ)** and the **eCommittee of the Supreme Court of India**, aims to digitalize and streamline court operations across all judicial levels. As of 2025, the **Phase III e-Courts rollout**, approved with a **budgetary outlay of ₹7,210 crore**, introduces artificial intelligence (AI), full digitization of records, cloud infrastructure, and inclusive legal access through **e-Sewa Kendra**. This research examines the project's evolution, challenges, benefits, potential future risks, and policy implications for ensuring digital justice that is both inclusive and sustainable.

Keywords: e-Filing, e-Courts, Access to Justice, Judiciary, Artificial Intelligence, Digital Inclusion

Introduction

The e-Courts Project, launched in 2007, is a mission mode initiative designed to integrate technology into India's justice delivery system. Implemented collaboratively by the eCommittee of the Supreme Court of India and the Department of Justice, the project seeks to modernize judicial infrastructure, streamline case management, and promote accessible, transparent justice.

By 2025, India's judiciary has largely transitioned from paper-based filings to digital platforms, enhancing court efficiency. The Supreme Court's Digital Courts and e-Filing System, combined with the National Judicial Data Grid (NJDG), provide public access to nearly 18 crore cases and 15 crore judgments. However, these digital transitions introduce challenges related to accessibility, training, data protection, and

cyber security. The traditional Indian court system was heavily paper-driven, slow, and fragmented. The eCourts Project was conceived as a systemic solution to counter procedural backlog and inefficiencies. The project links with the Digital India Mission through its slogan “Justice for all through technology”.

As per the **Department of Justice (2025 report)**, nearly **80% of district courts** and **all High Courts** have now transitioned to online filing and virtual hearing ecosystems. The e-filing service facilitates filing of civil and criminal cases, electronic payment of court fees, and access to real-time hearing updates.

E-filing is not merely technological modernization. It represents a **jurisprudential transformation** in India’s understanding of access to justice redefining "open justice" to include **virtual and digital participation** under Article 14 and 39A of the Constitution.

Objectives

- To examine the legal basis of e-filing and e-court systems within civil procedure.
- To assess their impact on access to justice, judicial efficiency, and accountability.

Research Methodology

1. Research Design

- Qualitative and doctrinal legal research focused on statute, rules, and case law analysis.
- Comparative empirical analysis of e-filing models from India, the U.S., and Indonesia.

2. Data Sources

Primary Sources:

- Supreme Court of India’s E-Courts Project reports and E-Filing Rules (2021–2025).

Secondary Sources:

- Government reports like Department of Justice India’s 2025 e-Courts Mission Mode Project updates.
- Official user manuals and step-by-step guides published by Indian eCommittee.

3. Research Approach

Doctrinal Analysis: Examine the statutory provisions, procedural rules, and judicial interpretations that govern the integration of e-filing and virtual court processes within civil procedure. Doctrinal legal research forms the core, focusing on systematically identifying, analysing, and synthesizing authoritative legal materials such as statutes, case law, procedural rules, and judicial precedents relevant to e-filing and e-court processes. This method will rigorously examine primary sources including the Civil Procedure Code amendments, Supreme Court rules on e-filing, and technology integration mandates. Secondary sources like

scholarly articles and legal commentaries will help build context and identify doctrinal ambiguities or evolving interpretations. The objective is to distill coherent legal principles and procedural norms shaping electronic litigation and virtual adjudication.

Empirical Analysis: An empirical review supplements doctrinal and comparative work by analysing publicly available data on e-filing adoption rates, case processing efficiencies, and user feedback from court reports and administrative testimonials. This data-driven component uncovers practical challenges and impacts that pure doctrinal research cannot fully address, such as user accessibility issues or system reliability metrics.

The approach is supported by thematic content analysis to code and organize qualitative data, enabling pattern recognition in legal texts and user experiences. Statistical tools may be employed to assess trends in case backlog reduction or filing timeliness post e-court implementation.

4. Analytical Tools

- Thematic content analysis through coding of qualitative data gathered from reports, rules, and interviews.
- Cross-jurisdictional comparison charts evaluating technological, procedural, and legal variances.
- Statistical review of case backlog trends and filing efficiency metrics after the implementation of e-filing.

E-filing in E-Courts: A Visual Journey

The e-Filing process in India (2025), extracted and synthesized from the Department of Justice, e-Filing User Manual 3.0, and Step-by-Step Guide for e-Filing 3.0 provided by the eCommittee of the Supreme Court of India

Stage	Action / Subprocess	Responsible Party	Technical/Legal Feature	Output
1.User Access	Visit https://filing.ecourts.gov.in	Advocate/Litigant	HTTPS-secured national e-filing portal maintained by NIC	Access to dashboard
2. Registration / Login	Create user profile or log in with Aadhaar/OTP	User	Multi-factor authentication	Registration confirmation (One-time)

Stage	Action / Subprocess	Responsible Party	Technical/Legal Feature	Output
			for identity validation	
3. Case Creation	Choose Court Location, Case Type, and Act/Section	User	Database integrated with CIS (Case Information System)	Digital Case Form
4. Party Details Entry	Input parties' names, addresses, and contact info	Advocate / Petitioner	Linked to NJDG's auto-verification backend	Consistent case metadata
5. Upload Petitions and Annexures	Upload documents in PDF, title each file, apply E-signature	Advocate / Authorized Signatory	Legality ensured under IT Act, 2000 (Sec. 65B)	Digitally signed petition uploaded
6. Oath / Affirmation (Optional)	Record oath using system's in-built video affirmation module	Advocate / Petitioner	Video file stored on Judiciary Cloud server	Oath validation under Rule 7
7. Payment of Court Fees	Pay electronically via Bharat Kosh/SBI e-Pay	Litigant / Advocate	Valid under Court Fees (Amendment) Rules, 2021	Electronic receipt and token ID
8. Submission & Token Generation	Confirm details and submit case	Portal auto-generates token ID	Case submitted into Registry queue	Reference ID Generated
9. Registry Scrutiny	Clerk/examiner checks formatting, indexing, and validity	Court Staff / Registry	CIS integration allows document lifecycle tracking	"Accepted" or "Returned" for

Stage	Action / Subprocess	Responsible Party	Technical/Legal Feature	Output
				Correction” notification
10. Correction (if any)	Revise upload and resubmit	Advocate / Petitioner	Dashboard automatically reopens editable fields	Corrected file uploaded
11. Case Number Allocation	On approval, case ID assigned in CIS/NJDG	Registry	Auto-synchronization with court’s scheduling system	Case officially registered
12. eSummon and Notice	Automated notifications to respondents	Court’s NSTEP (service module)	Legality under CPC Order V, Rule 9 (Amended 2020)	Defendant officially notified
13. Listing & Cause List Update	System places matter on cause list; judge allocation automated	Registry / System	Calendar-based algorithm allocation	Appears on daily cause list
14. Hearing Process	Virtual / hybrid or in-person proceedings	Judge / Court	Conducted via VC Module and recorded in CIS	Digital hearing log
15. Judgment Delivery	Digitally signed by presiding judge; QR-authenticated	Court	e-Sign validity under IT Act, 2000 (Sec. 5)	Tamper-proof e-decision
16. Archiving & Access	Stored in NJDG; available for download	All parties	Cloud backup ensures transparency	e-Copy downloadable certificate

Key Stages Explained

1. **Registration/Login:** Advocates or litigants access the National e-Filing Portal (<https://filing.ecourts.gov.in>). Aadhaar integration enables OTP-based authentication.
2. **Case Creation:** The user selects jurisdiction (Supreme Court, High Court, or District Court), case type (Civil, Criminal, etc.), and applicable sections under the CPC or IPC.
3. **Document Upload:** Case petitions, affidavits, or annexures are uploaded as PDFs following strict file-size and title conventions; each document must bear an e-signature.
4. **Payment:** Through integrated gateways managed by SBI ePay and BharatKosh, litigants pay court fees digitally. An electronic receipt (token number) confirms submission.
5. **Registry Review:** The judicial registry reviews the filing; in case of deficiencies, the system sends automated notifications for correction.
6. **Cause List Integration:** Approved petitions generate a unique case ID, automatically reflected in the daily cause list and National Judicial Data Grid (NJDG).
7. **Hearing & Notices:** Summons and notice services are automated via email/SMS, supported by NSTEP (National Service and Tracking of Electronic Process).
8. **Hybrid/Video Hearings:** The judge conducts digital hearings using integrated Video Conferencing Module (VCM) tools mandated by Phase III.
9. **Judgment Delivery:** Orders are digitally signed and published under the designated case numbers, ensuring tamper-proof authenticity via QR-coded verification.

Legal Implications

- **Procedural Reforms:** Adjustments in the Civil Procedure Code (CPC) to accommodate electronic filings, authenticated electronic service, and online adjudication processes.
- **Rights and Fair Trial:** Ensuring compliance with Article 14 and 21 of the Indian Constitution and similar due process guarantees globally.

Practical Implications

- **Cost and Time Efficiency:** Reductions in manual filing and travel expenses improve justice delivery quality.
- **Transparency and Accountability:** Easy access to cause lists, orders, and dockets increases public trust.
- **Citizen-Centric Governance:** eSewa Kendras bridge the digital divide by providing in-person support for non-digital users.
- **Access to Justice:** Remote filing and virtual hearings enable litigants in remote areas to participate without physical presence.
- **Enhanced Case Management:** AI-supported dashboards optimize case scheduling.
- **Citizen-Centric Governance:** eSewa Kendras bridge the digital divide by providing in-person support for non-digital users.

E-filing allows parties to submit legal documents electronically, reducing paper use and streamlining administrative processes. Through e-courts, case management is enhanced with real-time updates and remote access to case files, improving convenience for litigants, attorneys, and courts themselves. These innovations help reduce delays and lost documents, promote transparency, and enable efficient docket management.

However, implementation requires robust technology infrastructure, security measures to protect sensitive data, and compatibility with existing laws and procedures. Resistance from users accustomed to traditional methods and the need for adequate training are practical hurdles. Courts must invest in user-friendly platforms and continuous support.

E-filing and e-courts in civil procedure have brought significant legal and practical changes aimed at improving efficiency, accessibility, and case management. However, they also present certain loopholes and challenges, alongside potential remedies.

Loopholes in E-filing and E-courts

1. **System Errors and User Errors:** Rejections due to technical glitches or user mistakes, such as incorrect filings or missing required information, can lead to untimely filings and loss of rights (e.g., missing statute of limitations deadlines).
2. **Jurisdictional Issues:** Filing attempts close to deadlines can cause confusion about the exact time a filing is considered "received" or "filed," potentially affecting jurisdiction and timeliness.
3. **Deadlines and Accessibility:** Filing near cutoff times may lead to missed deadlines if the system is inaccessible or slow. Late filings due to system failures are sometimes contested, creating legal uncertainty.
4. **Inadequate User Familiarity:** Lack of familiarity with e-filing systems can cause errors and delays. Waiting until the last moment to file exacerbates risk.
5. **Technical and Security Vulnerabilities:** There are risks of data breaches and unauthorized access if security measures are weak.

Remedies for Loopholes

1. **Robust System Design and Support:** Ensure e-filing platforms are reliable, tested, and user-friendly, with helpdesks available during filing hours to troubleshoot issues promptly.
2. **Clear Rules for Filing Times:** Establish precise legal guidelines on when electronic filings are considered complete and accepted, addressing jurisdictional timings explicitly to avoid disputes.
3. **Mandatory Training and Guidelines:** Regular training for attorneys, court staff, and users on how to correctly use e-filing systems reduces user errors and improves compliance.
4. **Backup and Redress Mechanisms:** Courts can implement provisions like Illinois Supreme Court Rule 9, allowing relief when filings are rejected due to technical errors despite timely attempts.
5. **Early and Proactive Filing:** Legal practitioners are advised to avoid last minute filings and leverage system support hours, which minimizes risks related to user or system errors.
6. **Data Security Protocols:** Continuous updates and audits for cybersecurity protect sensitive legal information in e-courts.

Emphasis On learning through Case law:

A landmark case in India highlighting challenges related to the e-filing system is the Supreme Court's handling of mandatory e-filing in Debt Recovery Tribunals (DRTs) and Debt Recovery Appellate Tribunals (DRATs). In this case, the e-filing mandate was challenged due to concerns about access issues, especially in remote areas with poor internet connectivity. The Supreme Court, headed by Chief Justice D.Y.

Chandrachud, upheld the mandatory e-filing rule but recognized the genuine grievances regarding infrastructure and accessibility gaps. The Court directed the government to establish e-Sewa Kendra (service centres') to assist those without adequate digital access and emphasized that technology adoption should not deny any segment of citizens access to justice.

This ruling underscore the practical loophole wherein mandatory e-filing can become a barrier to justice due to technological and infrastructural divides. The Court's approach balanced the benefits of e-filing with the need for inclusivity and access, by asking for supportive measures for affected litigants and lawyers.

Thus, while the case confirms mandatory e-filing's legitimacy, it also highlights the risk that e-filing systems, if implemented without adequate infrastructure and user support, can inadvertently undermine access to justice for disadvantaged groups.

This case stands as a key Indian example of e-filing system challenges and how courts are responding to them by emphasizing accessibility and techno-legal facilitation.

Conclusion:

India's e-Courts Project has repositioned the civil procedural order by harnessing technology to enhance transparency, procedural efficiency, and public access in the judicial system. The shift to e-Filing, virtual hearings, and a unified digital interface catalysed by Phase III's focus on maximum ease of justice marks a historic transformation that goes beyond digitizing existing workflows to reimagining courts as citizen-oriented service platforms.

Yet, the long-term sustainability of this progress mandates strategic investments in rural connectivity, universal digital literacy, and robust cybersecurity protections to bridge persistent infrastructural and social divides. The constitutionality of the digital judiciary must be actively protected through ethical AI deployment and dynamic legal safeguards, ensuring due process, privacy, and equality under law.

Ultimately, these initiatives position India's e-Courts model as an aspirational global template demonstrating how legal modernization can reinforce constitutional values and inclusivity, making justice truly equitable, technologically agile, and accessible to all citizens

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