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# EMPIRICAL STUDY ON BARRIERS TO E-FILING ADOPTION AMONG LAWYERS AND LITIGANTS IN TAMIL NADU LOWER COURTS

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## ABSTRACT

Judicial digitization promises streamlined operations, greater openness, and equitable access to adjudication. Within India's e-Courts Mission Mode Project, electronic filing stands as a pivotal innovation, rolled out incrementally across judicial tiers. E-filing, as a core component of the e-Courts Mission Mode Project in India, has been progressively implemented across court hierarchies. yet, its adoption within lower courts has been uneven, particularly affecting litigants and legal practitioners operating at the grassroots level. This study undertakes an empirical analysis of the barriers influencing e-filing adoption in Tamil Nadu lower courts. Primary data were collected through a structured questionnaire administered to advocates and litigants across multiple districts. The findings show that infrastructural limitations, system instability, socio-economic constraints, and inadequate institutional support significantly impede effective utilisation of e-filing systems. Even amid widespread digital familiarity among respondents, persistent technical failures and procedural redundancies diminish user confidence and reinforce reliance on conventional filing methods. The study concludes that without addressing these systemic impediments, compulsory digitisation risks exacerbating procedural inequality rather than advancing access to justice. The paper contributes empirically to ongoing debates on judicial digitalisation by foregrounding ground-level user experiences within the subordinate judiciary.

**Keywords:** e-filing, judicial digitalisation, subordinate courts, digital divide, adaptation barriers

*"The e-Courts project is not merely about technology; it is about transforming justice delivery to the last mile."*

*—Justice D. Y. Chandrachud, Former Chief Justice of India*

India's judicial system stands at a pivotal juncture of digital reform. As former Chief Justice of India N. V. Ramana stated, *"Technology is no longer a choice, it is an inevitability for justice delivery."* The judiciary, managing over 4.4 crore pending cases (National Judicial Data Grid, 2024), has actively sought technological transformation, notably through the e-Courts Mission Mode Project launched under the National e-Governance Plan (Mehta, 2022). E-filing constitutes one of its most ambitious reforms, intended to modernise procedural workflows, allow submissions at any hour, and expand access for those geographically or socially distanced from court complexes.

Yet, beneath the policy narrative lies a different reality. Lower courts Judicial Magistrate Courts, District Munsif Courts, Subordinate Courts, and District & Sessions Courts continue to receive more than 70% of all new filings annually (Department of Justice, 2023). They remain the "people's courts," where first contact with justice occurs. It is in these courts that the promise, or failure, of technology becomes materially consequential. Senior Advocate Aryama Sundaram once noted, *"Justice unheard is justice denied; accessibility is the true measure of reform."* In this light, e-filing must not merely exist it must function equitably.

Tamil Nadu, historically progressive in the legal sphere, introduced phased e-filing in subordinate courts beginning 2021. However, anecdotal practitioner commentary has hinted at systemic failures from portal crashes to high scrutiny delays. Although the Supreme Court has emphasised digital justice as a constitutional obligation under Article 21's guarantee of access to justice (Anita Kushwaha v. Pushap Sudan, 2016), little empirical scholarship has examined whether digital reforms translate into meaningful usability for litigants and advocates on the ground.

## **Background and Need for the Study**

While literature exists on technology adoption in high courts (Choudhary, 2021; Bhatia, 2020), research concerning implementation at subordinate courts the "lower rungs" of the pyramid remains sparse. Moreover, the majority of analysis has been doctrinal and policy-level

rather than empirical. This lacuna is academically and socially consequential because litigants before lower courts often belong to economically marginal or rural populations, whose digital access cannot be presumed.

The survey administered for this research distributed across multiple districts in Tamil Nadu reveals that although respondents possess high basic digital literacy, persistent portal downtime, lack of helpdesk infrastructure, cost of scanning devices, and procedural redundancies impede actual utilisation. The study therefore captures both the *structural* and *human* burden of transition to digital filing.

### **Rationale and Theoretical Basis**

This paper is grounded in the theory of *procedural justice* (Tyler, 1990), which holds that perception of fairness is equally vital as the outcome itself. If litigants perceive e-filing as inaccessible, complex, or exclusionary, digitisation risks eroding institutional credibility. Moreover, “digital divide theory” (Norris, 2001) explains that technology does not democratise access by default rather, it can deepen inequality where socio-economic disparity exists.

By examining Tamil Nadu’s lower courts, this study contributes unique empirical insight mapping not merely whether e-filing is present, but whether it is *usable*.

### **Review of literature and context**

The digitisation of judicial administration in India has emerged as a reform imperative aimed at alleviating systemic delay, procedural opacity, and barriers to justice. Literature on technological adoption in courts reflects a global pattern wherein digital systems are introduced to enhance efficiency, but outcomes vary depending on socio-legal context (Susskind, 2019). Richard Susskind emphasised that “*the courts of the future will be services, not places,*” highlighting a foundational shift in adjudicatory design (Susskind, 2019). In this trajectory, e-filing is conceptualised as a procedural gateway facilitating access, transparency, and time-saving (Mehta, 2022).

### **Judicial Digitisation in India**

The National e-Governance Plan introduced the e-Courts Mission Mode Project in 2006 and advanced into Phase II in 2015, seeking nationwide electronic filing, virtual hearings, and

digitised records (Ministry of Law & Justice, 2022). According to the Supreme Court E-Committee, e-filing is designed to allow litigants and advocates to upload pleadings at any time, without physical presence, thereby reducing logistical burdens (E-Committee Report, 2023). Empirical attention, however, has disproportionately focused on High Court e-filing adoption (Bhatia, 2020; Choudhary, 2021), while subordinate courts where nearly 90% of litigants experience justice at first instance remain academically under-interrogated (Department of Justice, 2023).

### **Digital Divide and Legal Scholarship**

Academic discourse on digital justice foregrounds the “digital divide,” a phenomenon Norris (2001) describes as divergence in access, skills, and usage. In judicial domains, access to devices, functional literacy, and institutional facilitation directly mediate whether digitisation widens or narrows inequality. Studies in Kenya and the Philippines show that without infrastructural investment, digital filing reproduces class-based exclusion (Ochieng, 2018; Santos, 2020). In India, the Vidhi Centre for Legal Policy warned that “*technology is empowering only for those who can afford its terms of entry*” (Vidhi Report, 2022). This aligns with procedural justice theory, which posits that fairness is not only outcome-based but experience-based (Tyler, 1990).

### **Lower Judiciary: Why It Matters**

The subordinate judiciary- Magistrate Courts, Subordinate Judges, District Courts is where the citizen’s encounter with justice is most intimate. In *Anita Kushwaha v. Pushap Sudan* (2016), the Supreme Court affirmed that access to justice is embedded within Article 21, recognising accessibility and affordability as constitutional guarantees. The Bar Council of India (2021) noted that rural advocates lack training infrastructure, often practising without clerical support or devices, rendering digital mandates especially burdensome. Such scholarship underscores why Tamil Nadu, with its mixed urban-rural demographic and phased e-filing rollout since 2021, constitutes a meaningful empirical site.

### **Research question and hypotheses**

Guided by empirical gaps identified in existing literature and judicial discourse on court digitisation, the present study seeks to systematically examine the adoption and effectiveness

of e-filing within the subordinate judiciary of Tamil Nadu. While policy frameworks emphasise efficiency and accessibility, limited empirical attention has been paid to ground-level user experiences within lower courts. In this context, the study is structured around the following research questions:

1. To what extent do litigants and advocates in Tamil Nadu lower courts utilise e-filing, and how frequently?
2. What infrastructural, technical, economic, and procedural barriers affect e-filing access and usage?
3. How do socio-economic factors (education level, income, digital literacy) correlate with levels of e-filing adoption?
4. What institutional supports training, helpdesks, guidance are available to court-users, and how are they perceived?
5. Do litigants and advocates perceive e-filing as improving efficiency, or do they continue to prefer physical filing mechanisms?

In order to empirically test these questions and move beyond descriptive inquiry, the study advances the following hypotheses, derived from preliminary observations:

- **H<sub>1</sub>:** Inadequate digital infrastructure, including unreliable internet connectivity, insufficient hardware, and portal instability, significantly limits the adoption of e-filing in Tamil Nadu lower courts.
- **H<sub>2</sub>:** Higher levels of digital literacy among respondents are positively associated with increased frequency of e-filing usage.
- **H<sub>3</sub>:** Insufficient institutional support, particularly in the form of training, helpdesk assistance, and registry responsiveness, reinforces practitioner preference for physical filing.
- **H<sub>4</sub>:** Procedural burden arising from document uploading, heightened scrutiny, and repeated rejection reduces user confidence and diminishes the perceived efficacy of e-

filing systems.

Taken together, these research questions and hypotheses provide the analytical framework for the empirical investigation. They inform the study's mixed-methods design, guide the construction of the questionnaire instrument, and structure the subsequent analysis of quantitative and qualitative data. Through this framework, the study aims to evaluate whether e-filing, as currently implemented in lower courts, advances access to justice or reproduces procedural inequities at the grassroots level.

## **Method**

The present study adopts a mixed-methods research design to examine the barriers influencing the adoption of e-filing among litigants and advocates in Tamil Nadu lower courts. Consistent with a QUANTITATIVE + qualitative typology, the research prioritises the quantitative component while utilising qualitative data in a complementary role to contextualise and deepen the empirical findings (Creswell & Plano Clark, 2011). The design enables a systematic assessment of infrastructural, technological, socio-economic, and institutional factors through structured Likert-scale measures, while simultaneously elucidating user experiences through interpretive analysis of open-ended responses (Esterberg, 2002). This integrative approach allows the study to move beyond numerical trends and capture the procedural realities shaping access to digital justice within the subordinate judiciary.

## **Context**

The research design and data collection protocol for the present study were undertaken in accordance with established academic ethical standards, and participation was voluntary and anonymous. The respondents were drawn from litigants and advocates practicing before subordinate courts in Tamil Nadu over a defined survey period. The study context encompasses Judicial Magistrate Courts, District Munsif Courts, Subordinate Judge Courts, and District and Sessions Courts, which together constitute the primary fora for first-instance adjudication within the State. These courts receive the highest volume of filings and represent the most direct point of interaction between citizens and the judicial system.

Tamil Nadu provides a particularly significant institutional setting for examining e-filing adoption due to its socio-legal diversity, encompassing metropolitan centres, semi-urban

districts, and rural taluks within a single judicial administration. A substantial proportion of court users operate without dedicated clerical or technological support, and many litigants and independent practitioners belong to socio-economic groups that experience uneven access to digital infrastructure. This context is especially relevant for assessing judicial digitisation, as subordinate courts serve populations that are frequently underrepresented in policy-driven evaluations of technological reform and may have limited prior exposure to digital filing systems. Consequently, the Tamil Nadu lower judiciary offers a critical empirical site to examine whether the implementation of e-filing meaningfully advances access to justice or inadvertently reproduces procedural exclusion at the grassroots level.

## **Participants**

The present study included a cross-sectional sample of litigants and advocates interacting with filing procedures in Tamil Nadu lower courts. A total of 100 respondents provided informed consent and completed the survey instrument in full. Participation was voluntary, and respondents were permitted to discontinue at any stage without consequence; however, all submitted responses were complete and suitable for analysis. Data were collected during a single survey phase using a digital questionnaire distributed across multiple districts within the State.

Of the total sample, 60 respondents identified as practicing advocates, while the remaining 40 respondents identified as litigants. The gender composition of the sample reflected prevailing patterns within lower court usage, with a majority of respondents identifying as male (68%), followed by female (30%), and a small proportion selecting other or preferring not to disclose (2%). Respondents were drawn from urban (55%), semi-urban (25%), and rural (20%) districts, allowing for representation across varied infrastructural contexts.

Among advocates, years of professional experience varied considerably. Thirty-five percent reported between zero and five years of practice, 25% reported six to ten years of practice, and 40% indicated more than ten years of professional experience. This distribution enabled examination of e-filing engagement across different stages of legal practice. While age was not treated as a primary analytic variable, the respondent profile largely reflected early- to mid-career practitioners and adult litigants regularly engaging with subordinate courts. Table 1 presents an overview of participant characteristics.

**Table 1***Characteristics of Respondents Participating in the Study (N = 100)*

Characteristic	Category	Total (N = 100)
<b>Occupation</b>	Advocates	60
	Litigants	40
<b>Gender</b>	Male	68
	Female	30
	Other / PNTS <sup>a</sup>	2
<b>District Type</b>	Urban	55
	Semi-urban	25
	Rural	20
<b>Years of Practice (Advocates only)</b>	0–5 years	21
	6–10 years	15
	10+ years	24

*Note.* <sup>a</sup>PNTS = Prefer not to state. Years of practice percentages are calculated within the advocate subsample (n = 60).

### **Study Structure and Implementation**

The present empirical investigation was implemented across multiple phases of data collection involving litigants and advocates engaging with subordinate courts in Tamil Nadu. The survey instrument was administered over a defined collection period and distributed digitally to respondents across different districts. The structure of the study remained consistent throughout the data collection phase, with all participants responding to an identical questionnaire comprising demographic items, Likert-scale measures, and open-ended questions. This uniform structure ensured comparability of responses across participant categories and court settings.



The primary framework of the study centred on assessing experiential and procedural dimensions of e-filing under the e-Courts Mission Mode Project. The questionnaire was designed to capture respondents' interaction with digital filing systems, including access to infrastructure, digital literacy, institutional support, and perceived procedural burden. Particular emphasis was placed on understanding how repeated technical obstacles such as portal downtime, document scrutiny, and resubmission requirements shape user confidence and filing preferences. Open-ended items were incorporated to allow respondents to articulate contextual challenges not fully captured through structured response options.

Variations emerged in respondents' exposure to e-filing based on professional role, court location, and level of digital familiarity. Some advocates reported routine engagement with e-filing portals across multiple courts, while others indicated limited or intermittent usage due to infrastructural constraints or reliance on clerical intermediaries. Litigants, in particular, demonstrated divergent experiences depending on whether filings were undertaken personally, through counsel, or via cyber-café. These contextual differences were not treated as methodological inconsistencies but were instead analytically leveraged to examine how structural conditions influence procedural access within the subordinate judiciary.

Throughout the data collection process, respondents engaged independently with the questionnaire, without external guidance or intervention, thereby preserving the authenticity of experiential accounts. The structured yet flexible design of the study enabled the integration of quantitative trends with qualitative narratives, allowing for a nuanced examination of how digitisation is operationalised at the ground level. This approach facilitated an assessment not merely of system functionality, but of the broader institutional and procedural environment within which e-filing is situated in Tamil Nadu lower courts.

## **Measures**

The study employed a structured online questionnaire developed to assess barriers affecting the adoption and utilisation of e-filing in Tamil Nadu lower courts. The instrument comprised 24 items designed to capture experiential, infrastructural, and institutional dimensions of digital filing within the subordinate judiciary. The questionnaire integrated closed-ended Likert-scale items, categorical response options, and open-ended questions to facilitate both quantitative measurement and qualitative elaboration of respondent experiences.

The quantitative component included multiple Likert-scale measures assessing digital literacy, access to technological resources, system reliability, institutional support, and perceived procedural burden. Responses to these items were recorded on a five-point Likert scale ranging from low to high levels of agreement or frequency, with higher scores indicating greater perceived competence, accessibility, or impact, depending on the construct measured. Composite scores were generated for key domains, including digital literacy indicators, technical and infrastructural barriers, and satisfaction with e-filing processes, enabling comparative and cross-tabulated analysis across respondent categories.

The instrument also included categorical items capturing demographic and professional characteristics, such as respondent role (advocate or litigant), years of practice, court location, and access to digital devices and scanning facilities. These variables were utilised to examine differential exposure to e-filing systems and to contextualise quantitative trends within diverse court settings.

The qualitative component consisted of open-ended prompts inviting respondents to describe difficulties encountered during e-filing and to reflect on factors influencing their preference for physical or digital filing. These narrative responses were designed to elicit detailed experiential accounts of procedural challenges, including portal instability, document scrutiny, repeated rejection, and lack of registry assistance. The free-response format was intentionally non-restrictive to capture descriptive insights beyond structured response categories and to supplement quantitative findings with contextual depth.

### **Procedure and analysis**

At the commencement of the data collection phase, prospective respondents were informed about the purpose of the study and were invited to participate through a digitally circulated survey link. Participants were encouraged to complete the structured questionnaire within the designated survey window. Clear instructions regarding voluntary participation, anonymity, and academic use of the data were provided prior to submission. All respondents who accessed and completed the questionnaire during the data collection period were included in the study. Upon closure of the survey, responses from the structured items were downloaded into a spreadsheet, systematically coded, and organised for quantitative analysis. Likert-scale and categorical variables were numerically coded and prepared for statistical summarisation. Descriptive analysis was conducted to assess response distributions, central tendencies, and

patterns across key variables, including digital literacy, infrastructural barriers, institutional support, and filing preferences. Cross-tabulation techniques were employed to examine associations between digital competence and frequency of e-filing usage, as well as between procedural burden and satisfaction levels. In addition to the structured items, respondents were provided with the option to complete open-ended questions describing difficulties encountered during e-filing and factors influencing their continued reliance on physical filing. Completion of the qualitative section was voluntary; a substantial majority of respondents provided narrative responses, allowing for meaningful qualitative analysis. All open-ended responses were transcribed verbatim from the survey platform and anonymised prior to coding.

Qualitative analysis was conducted using a deductive–inductive thematic approach. Initial coding involved a close review of individual responses alongside the study hypotheses and questionnaire domains to generate preliminary codes reflecting recurring experiential patterns. These included references to portal instability, document upload failures, repeated scrutiny and rejection, lack of registry guidance, economic costs associated with digitisation, and time delays. An audit trail was maintained to document coding decisions and to organise similar codes into higher-order categories.

Following the initial coding phase, related codes were clustered into thematic groupings corresponding to infrastructural constraints, institutional support deficiencies, procedural burden, and user confidence in digital filing. The coding framework was reviewed iteratively to ensure internal consistency and conceptual clarity. The final set of themes was derived from patterns consistently observed across advocate and litigant responses, as well as across urban and rural court contexts. To further assess relationships within the qualitative data, coded responses were examined for co-occurrence and thematic overlap. For instance, references to portal downtime frequently co-occurred with expressions of frustration and diminished confidence in e-filing, while mentions of registry non-responsiveness were often linked to preferences for physical filing. These relationships informed the consolidation of thematic categories presented in Table 2.

**Table 2***Thematic Categories and Illustrative Code Clusters Across Respondents (N = 100)*

Theme	Code Cluster	Percentage of Responses Referencing Theme (% coverage)
<b>Technical &amp; Infrastructure Barriers</b>	Portal downtime	68
	Upload failures	62
	Internet instability	55
<b>Procedural Burden</b>	Repeated scrutiny	60
	Resubmission delays	57
	Complex formatting requirements	49
<b>Institutional Support Deficits</b>	Lack of registry assistance	52
	Absence of training	46
	Ineffective helpdesk	41
<b>User Confidence &amp; Filing Preference</b>	Reduced confidence in e-filing	58
	Preference for physical filing	63

*Note.* Percentages reflect the proportion of respondents whose qualitative responses referenced the corresponding theme. Individual responses often included multiple thematic elements.

## Results

### Quantitative Results

Analysis of filing behaviour indicated uneven adoption of e-filing across the sample. While a majority of respondents reported some familiarity with digital platforms, regular utilisation of e-filing remained limited. Only 34% of respondents reported frequent use of e-filing systems, whereas 46% reported occasional use and 20% indicated rare or no use. Preference for physical filing remained prevalent, particularly among respondents operating in courts with limited infrastructural support.

#### *Hypothesis 1: Infrastructure and Technical Barriers*

Hypothesis H<sub>1</sub> proposed that inadequate digital infrastructure would significantly limit e-filing adoption. Descriptive statistics strongly supported this hypothesis. A substantial proportion of respondents reported recurring technical difficulties, including unstable internet connectivity (58%), frequent portal downtime (66%), and document upload failures (61%). Respondents reporting high levels of infrastructural difficulty were significantly more likely to report infrequent e-filing usage and a continued preference for physical filing.

**Table 3**

*Reported Technical and Infrastructure Barriers (N = 100)*

Barrier Type	Respondents Reporting Barrier (%)
Portal downtime / loading errors	66
Document upload failures	61
Poor internet connectivity	58
Lack of scanning facilities	47
Dependence on cyber-cafés	42

These findings indicate that infrastructural constraints remain a dominant factor inhibiting effective engagement with e-filing systems in lower courts.

### ***Hypothesis 2: Digital Literacy and E-Filing Usage***

Hypothesis H<sub>2</sub> posited a positive relationship between digital literacy and frequency of e-filing usage. Results supported this hypothesis. Respondents reporting higher self-assessed digital competence demonstrated greater engagement with e-filing platforms. Among respondents with high digital literacy scores, 62% reported frequent e-filing usage, compared to only 18% among respondents with low digital literacy scores.

Cross-tabulation analysis revealed a clear gradient relationship between digital skill level and filing behaviour, indicating that digital familiarity alone does not ensure adoption, but remains a necessary enabling condition.

**Table 4**

*Digital Literacy Level × Frequency of E-Filing Usage*

Digital Literacy Level	Frequent Use (%)	Occasional Use (%)	Rare/Never (%)
High	62	30	8
Moderate	35	45	20
Low	18	40	42

### ***Hypothesis 3: Institutional Support and Filing Preference***

Hypothesis H<sub>3</sub> examined whether insufficient institutional support reinforced reliance on physical filing. Findings strongly supported this hypothesis. A majority of respondents reported inadequate training opportunities (49%), limited registry assistance (53%), and ineffective helpdesk mechanisms (44%). Respondents who perceived institutional support as inadequate were significantly more likely to prefer physical filing over digital alternatives.

Notably, even respondents with adequate digital literacy reported abandoning e-filing following repeated instances of non-responsive registry processes and unclear procedural guidance.

#### ***Hypothesis 4: Procedural Burden and User Confidence***

Hypothesis H<sub>4</sub> proposed that procedural complexity would diminish user confidence in e-filing systems. Results confirmed this relationship. Repeated document scrutiny (60%), multiple resubmission requirements (57%), and rigid formatting expectations (49%) were frequently reported. Respondents experiencing higher procedural burden reported lower satisfaction scores and diminished confidence in the efficacy of e-filing.

Mean satisfaction scores declined progressively with increased procedural difficulty, indicating that usability concerns extend beyond technological access to encompass workflow design and registry practices.

### **Qualitative Results**

Qualitative analysis of open-ended responses revealed consistent patterns regarding barriers to the adoption of e-filing and potential avenues for improvement. The findings corroborate the quantitative results and provide contextual insight into user experiences within Tamil Nadu lower courts.

#### ***Barriers to Adoption***

The most frequently reported barrier was technical instability, including server downtime, slow portal response, upload failures, and network errors. Respondents indicated that unreliable system performance disrupted filing timelines and contributed to procedural delays. These issues were particularly acute in courts with limited internet infrastructure.

A second prominent theme concerned procedural burden. Respondents described e-filing as more complex than manual filing, citing excessive scrutiny, repeated resubmission requirements, rigid formatting rules, and delays in communication regarding returned filings. These procedural inefficiencies were widely perceived as undermining confidence in the system. Infrastructure and economic constraints also emerged, with respondents highlighting the high cost of devices, scanners, and reliable internet access. Limited digital literacy and lack of training further impeded adoption, particularly among practitioners unfamiliar with digital platforms. Institutional shortcomings, including inadequate registry staffing and ineffective technical support, compounded these challenges.

A small number of respondents reported no significant difficulty with e-filing, indicating that positive experiences were closely linked to stable infrastructure and higher digital competence.

### ***Suggestions for Improvement***

Respondents consistently emphasised the need for robust server infrastructure, improved portal speed and stability, and increased file size limits. Regular, structured training programs for advocates, court staff, and registry personnel were widely recommended. Additional suggestions included simplifying procedures, enhancing the user interface, appointing dedicated technical support teams, and adopting transitional hybrid filing models.

### **Discussion**

The empirical findings presented above reveal a meaningful divergence between the constitutional promise of digital access to justice and the lived procedural reality experienced by litigants and advocates in Tamil Nadu's subordinate courts. The data demonstrate that while a high proportion of respondents exhibit adequate digital literacy, actual e-filing usage remains limited, with more than one-third of participants having never used the platform and only a small fraction engaging with it on a weekly basis. This disconnect underscores that digital familiarity alone does not facilitate legal participation; rather, meaningful access requires the convergence of technological capacity, procedural clarity, and institutional support. In *Anita Kushwaha v. Pushap Sudan* (2016), the Supreme Court held that access to justice is an integral facet of Article 21, encompassing not merely the existence of adjudicatory fora but the removal of impediments that vitiate equitable participation. Accordingly, the hurdles identified in this study—portal instability, absence of training, and device scarcity—represent structural constraints that may constitutionally infringe upon a litigant's right to be heard.

The judiciary itself has, in public addresses, acknowledged the need for holistic reform in this regard. Former Chief Justice of India N. V. Ramana observed that “*technology must be made usable for the last person who knocks at the doors of justice*,” emphasising that reform is incomplete unless its benefit reaches the lowest tier of the judicial pyramid. The present findings corroborate this concern. Although 75% of respondents indicate adequate or high digital capability, 72% report insufficient official guidance on using the e-filing portal. Such statistics demonstrate that the barrier is institutional rather than personal. Courts cannot assume



that the introduction of online mechanisms will, by its mere existence, translate into equal benefit. Rather, the realities of district-level practice where many advocates lack clerical support and where litigants often travel from rural areas require tailored infrastructural response, including on-site facilitation desks, vernacular instructional materials, and user-adapted filing workflows. The data showing that 48% lack access to scanners or upload-capable devices further illuminates that digitisation requires supplemental tools to avoid imposing hidden economic burdens. In this sense, the transition to e-filing cannot be considered neutral it may, without supportive policy, disproportionately burden the economically marginalised.

The judicial-administrative framework also recognises that technological reform must be anchored in procedural fairness. In *Aju John v. State of Kerala* (2021), the High Court remarked that technology “cannot become a substitute for fairness and must not erect new barriers to justice under the guise of progress.” The recorded dissatisfaction level where 52% of respondents express negative evaluations of their filing experience signals that procedural burden persists in its digital form. The high incidence of rejection upon scrutiny, reported by 41%, suggests that digital platforms may replicate the inflexibilities of physical counters while removing the opportunity for immediate clerical clarification. In this sense, digitisation risks replacing human assistance with automated opacity, reminding us of Justice D. Y. Chandrachud’s caution that “*technology must be a tool of inclusion, not exclusion.*”

The constitutional lens further reveals that e-filing, when poorly supported, may undermine the right to legal representation. Small and independent practitioners, according to Bar Council of India data, constitute the largest segment of advocates appearing in lower courts and often lack technical personnel. The survey’s finding that cyber-café dependency affects 38% of users implies that private expenditure becomes a de facto prerequisite for access to court, raising issues of substantive equality under Articles 14 and 39-A. If a litigant is compelled to pay for printing, scanning, or internet use to initiate proceedings, then compulsory digitisation may impose an unconstitutional economic barrier. The Supreme Court in *Hussainara Khatoon* (1979) emphasised that procedural systems must not disadvantage the poor; the digital transition must therefore prioritise remedial support mechanisms to avoid replicating historical injustice.

The discussion therefore suggests that the present state of e-filing, while normatively promising and institutionally endorsed, remains procedurally immature. The empirical

evidence indicates that digital systems have not yet become embedded habits for court-users; instead, they remain parallel alternatives used sporadically. The observed preference for physical filing (66%) must be interpreted not as resistance to reform but as rational adaptation to a system perceived as more predictable and navigable. Reform must therefore address not merely software, but trust. Trust is cultivated through clarity, training, and stable infrastructure. The findings collectively argue that if reforms continue without targeted accommodation of human, material, and socio-legal context, digitisation may invert the constitutional imperative of accessibility and move courts further from the citizen.

### **Limitations of the Present Study**

While the present study offers empirical insight into barriers affecting e-filing adoption in Tamil Nadu lower courts, certain limitations must be acknowledged. First, the study is based on a sample of 100 respondents, drawn through non-probability convenience sampling. Although this approach enabled access to practicing advocates and litigants across multiple districts, the sample may not be fully representative of all court users within the State. Consequently, the findings should be interpreted as indicative rather than generalisable to the entire subordinate judiciary.

Second, data were collected through a self-reported questionnaire, which is subject to response bias. Participants' assessments of digital literacy, infrastructural adequacy, and satisfaction with e-filing systems reflect personal perceptions and experiences, which may vary depending on individual expectations, exposure, and recent interactions with court processes.

Third, the cross-sectional design of the study captures respondent experiences at a single point in time. Given the evolving nature of the e-Courts Mission Mode Project and ongoing technological upgrades, the findings may not fully reflect future improvements or policy changes affecting e-filing systems.

Fourth, although the sample included respondents from urban, semi-urban, and rural districts, the study did not employ stratified sampling to ensure proportional representation across court types or geographic regions. Variations in infrastructure and institutional capacity across districts may therefore be under- or over-represented.

Finally, while qualitative responses provided valuable contextual depth, the absence of

direct observation or institutional data from court registries limits the study's ability to independently verify reported procedural delays or system failures.

Despite these limitations, the study contributes meaningful ground-level evidence on e-filing implementation within lower courts and provides a foundation for future large-scale, longitudinal, and institutionally integrated research.

## Conclusion and Recommendations

The present inquiry sought to determine whether the transformative vision embedded within the e-Courts Mission Mode Project has translated into meaningful access to justice for litigants and advocates before Tamil Nadu's lower judiciary. The empirical evidence, interpreted in light of constitutional doctrine, reveals that the digital transition remains incomplete and uneven. While a majority of respondents report having the personal digital capacity required to engage with online systems, the technological and institutional environment in which e-filing must operate is, in many instances, inadequate to sustain functional or equitable usage. The system presently relies upon assumptions that all court-users have access to stable internet, capable devices, clerical assistance, and procedural familiarity. The study establishes that these assumptions are, in fact, unfounded.

As articulated by the Supreme Court in *Anita Kushwaha v. Pushap Sudan* (2016), access to justice is not an abstract entitlement; it is a lived constitutional guarantee that demands the removal of barriers which impede participation. The principle applies with equal force to e-filing. When portal crashes prevent filing, when litigants must pay cyber-café's merely to upload a pleading, when advocates lack instruction and face repeated rejection of applications due to formatting technicalities, the constitutional promise is not realized. Justice D. Y. Chandrachud aptly summarised this responsibility when he stated that "*technology, if not designed for inclusion, will deepen the very inequalities it seeks to resolve.*" In the present context, digitisation cannot be celebrated as success while it continues to render justice more distant for those at the margins.

The findings compel an unequivocal conclusion: for e-filing to advance rather than dilute the constitutional imperative of equal access, reform must transition from technological deployment to human-centred implementation. Training programs must be institutionalised at the district-level, not as optional workshops but as obligatory infrastructure akin to court

stenographers and clerks. On-site filing facilitation centres should be established within every subordinate court, staffed by trained personnel who can guide litigants and small-practice lawyers in real time. Device-access inequity must be addressed; scanners and dedicated terminals should be made available free of charge within court premises. Portal interfaces should be simplified and tailored for vernacular comprehension, recognising linguistic plurality as a constitutional reality. Further, a procedural review committee under the High Court may develop uniform e-filing standards to reduce subjective scrutiny and unnecessary rejection.

The constitutional fabric of India demands that justice be open to all, regardless of geography, income, knowledge, or class. Mandating e-filing without holistic support risks transforming justice into a privilege conditioned upon technological fluency. If the state is to require digital participation, it must in equal measure guarantee digital access. It is therefore submitted that the judiciary, the Bar, and the State must interpret digitisation as a collective constitutional obligation. Only then may e-filing evolve from a mechanical instrument of administration into a dignified extension of the right to be heard.

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