

## **eCourts: A New Dawn for The Timely Dispensation of Justice**

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### **Abstract**

*In Pakistan, un-due delayed justice has persisted for a long time. Timely dispensation of justice is highly significant, not only for the litigants but also for maintaining respect and confidence towards the judiciary as an institution. Honourable Justice Mansoor Ali Shah has, time and again, called attention to the fact that the traditional closed architecture of our courts cannot address this long-standing issue of delayed justice. Therefore, electronic courts (eCourts) have become a need of time. eCourts will provide the opportunity to the Judges, Lawyers, litigants, and witnesses to appear in the court virtually, thereby reducing the cost of travelling and saving time for the court. This paper explores the concept of the eCourts. It begins by tracing the origin of the eCourts, followed by an evaluation of the backlog of cases pending adjudication and the causes thereof. It proposes that a full-fledged virtual court system is practicable at all levels of the judiciary in Pakistan and recommends the reforms that need to be made to the existing system. It also highlights the various challenges that might arise and provides suggestions for effectively dealing with the same.*

**Keywords:** eCourts, virtual court, online appearance in the court, timely dispensation of justice.

### **Introduction**

The technological advancement of the world has led to the adoption of electronic mediums of work. The existing modern era mandates the shift towards an entirely new tech-oriented system of governance and law. A law is deemed to be good when it is flexible enough to adapt itself to the changing needs and circumstances of society (MacDonald, 2006). Back in 2020, the deadly COVID-19

107

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pandemic caused multifarious impacts on the lives of everyone around the globe, including Pakistan. The COVID crisis compelled the world to adapt to the use of electronic technologies for their work. Thus, lawyers, judges, mediators, and arbitrators around the world explored a new avenue of remote working through video conferencing applications (Hamid, 2022). A glaring demonstration of this is the adoption of electronic courts throughout the globe. The expression Electronic Court (eCourt) refers to online or virtual court proceedings wherein the Judges, litigators, advocates, and witnesses can join the courtroom remotely. The court mechanism allows resolving the cases by the judges in the virtual presence of the advocates, parties, and witnesses. Thus, the parties, advocates, and witnesses would not be called to ensure their presence physically and the evidence and arguments can be presented before judges using the video-links virtually.

The adoption of eCourts can greatly contribute to the expeditious and cost-effective administration of justice (Cashmore, 1992). The remote virtual hearings have proven highly significant in saving the time and costs incurred in traditional litigation and hearings. Specifically given the fact that we are living in a country where on average a civil suit takes a minimum of 25 years for its final disposal the implementation of eCourts would be a step in the right direction (Bandial, 2018).

The adoption of eCourts would bring a radical change and improvement in the timely dispensation of justice. The eCourts will facilitate not only the lawyers and judges but will prove highly beneficial for the litigants, witnesses, and accused persons too. Recently, the Honourable Supreme Court of Pakistan has installed a system of video links whereby the advocates can argue before the Supreme Court virtually. Furthermore, the eCourts have been installed by the Islamabad High Court too, but they are not yet fully fledged as it does not cover all the phases of the trial but are only limited to hearing arguments and recordings of evidence.

Delayed justice is an inherent issue that has existed for a long time in our judicial system. This ultimately leads to a lack of confidence in the administration of justice and transparency. eCourts will play a pivotal role in tackling this problem of delayed justice by improving the overall judicial system and it will help to make it more transparent. This will further help in regaining the trust and confidence of citizens in the judicial system. Moreover, they can

significantly save time and help to reduce the cost of litigation. This will also create employment opportunities for persons equipped with technological skills. Although eCourts have been functioning worldwide and are currently in use, nonetheless, their adoption has remained debatable and controversial in Pakistan. This is because the majority of the people in Pakistan have not fully understood the benefits of eCourts. Furthermore, since the majority of the judges, litigators, and advocates are not technologically well equipped, they face hurdles through the process of the implementation of eCourts. Therefore, it is necessary to make an in-depth evaluation regarding eCourts, their essential components, their benefits to litigants, witnesses, advocates, and judges, and their significance in reducing the gigantic backlog of cases pending adjudication in Pakistan.

In this backdrop, this research aims:

- i) To trace the historic origin of the eCourts.
- ii) To identify the causes of delayed justice in Pakistan followed by an in-depth analysis of how eCourts will contribute towards the timely dispensation of justice.
- iii) To understand the full-fledged eCourt system and its requisite components, and to evaluate whether such a system can be effectively adopted in Pakistan.
- iv) To explore the structural reforms and amendments in the current legal framework of Pakistan needed for the adoption of a full-fledged eCourt mechanism.
- v) To assess the advantages and challenges of the eCourts system and propose recommendations for tackling the challenges effectively.

In light of the aforementioned aims and objectives of the study, the following research issues are fundamental and need to be addressed, thus, the research questions have been framed as below:

- i. How and when the concept of eCourts originated in the world?
- ii. What are the causes of delayed justice in Pakistan and how eCourts will contribute towards the timely dispensation of justice?
- iii. What is meant by the full-fledged eCourt system and whether the full-fledged eCourt system can be effectively adopted in Pakistan?

- iv. What sort of structural and statutory amendments are needed for the adoption of a full-fledged eCourt mechanism?
- v. What are the advantages and challenges of the eCourts system?

Given these aims, this research will make a worthy contribution to the research paradigm on electronic courts. It will be a positive addition to the global discussion on eCourts. It will be of value both nationally as well as internationally because it demonstrates the opportunities and challenges of the adoption of the full-fledged eCourt system.

### **Research Methodology**

The research methodology that has been employed by the author is Doctrinal. It is also known as library-based research because one tries to find out the answers to legal questions by a thorough analysis of the statutes, conventions relevant legislation, commentaries, and other legal documents (Epstein, 2014). While adopting this methodology the author has conducted an in-depth and descriptive analysis of the relevant literature by identifying those specific legal rules that are relevant to the problem of the present research study.

For the data collection following sources have been utilised:

- a) Judgments of the superior judiciary wherein the emphasis has been made on the significance and utility of eCourts.
- b) Commentaries and literature available on the research topic, for instance, research articles, research papers, and database sources available.

It is pertinent to mention that doctrinal research methodology is justified because the main aim has been to examine and analyse the eCourts mechanism and how it could be fully adopted in Pakistan.

### **Literature Review**

Back in 2012, the notion of eCourts, for the very first time, was discussed by a commission comprising three chief justices namely Justice Mushir Alam of Sindh High Court, Justice Qazi Faez

Isa of the Balochistan High Court, and Justice Iqbal Hameed u Rehman of the Islamabad High Court during the proceedings of the Memogate commission (Malik, 2016). In the Memogate commission, the statements of two of the members namely Hussain Haqqani and Mansoor Ijaz were recorded via video links.

Honourable Supreme Court of Pakistan, in 2013, while hearing a case of a rape victim, categorically directed that technology should be used to save the litigants from undue delay in the disposal of cases. In pursuance of such directions, a full-fledged eCourt was established in Islamabad in 2016 by converting an accountability court into an eCourt. The results of this full-fledged eCourt were highly praised by the legal fraternity owing to its exceptional performance (Manzoor, 2017).

Legal experts believe that eCourts will prove highly beneficial for the administration of justice. It will be very significant for the lawyers, litigants, and witnesses in not only saving money but also the time of the courts, parties, and advocates. More recently, the Honourable Supreme Court of Pakistan has installed a system of video links whereby the advocates can argue before the Supreme Court virtually or online. This, however unfortunately, is not yet fully fledged as it does not cover all phases of the trial but is only limited to hearing arguments and recordings of evidence. It has rightly been stated by Judge Bleby that;

“The electronic court facilitates the litigants, the judges, advocates, and court staff in securing access to all the legal materials effectively both inside and outside the court” (MacDonald, 2006).

Moreover, it has been recommended by the Judges of the apex courts as well as experts of law that this system of eCourts should also be adopted and implemented throughout the district courts to resolve the long-standing issue of pendency and unduly delayed decisions of the cases. Delayed justice is an inherent issue that has existed for a long time in our judicial system. This ultimately leads to a lack of confidence in the administration of justice and transparency. The eCourts will play a pivotal role in tackling this problem of delayed justice by improving the overall judicial system and it will help to make it more transparent. Civil matters in Pakistan take decades to be finally disposed of. Parties in civil cases have to wait for generations and spend their lives on pins and needles. Research indicates that usually, a single case takes

approximately more than 25 years from the date of its institution to its final disposal by the Supreme Court (Bandial, 2018). In the context of the criminal justice system, reference here may be made to the case of Mazhar Farooq, who was declared innocent and acquitted of the murder charges after spending 24 years in jail (Iqbal, 2016). This and many other cases highlight the need to bring reforms in the existing judicial setting and make use of the technologically available facilities for the smooth functioning of the courts and regain the trust and confidence of the public at large in the institution of the judiciary. This is one of the several reasons why citizens lack confidence in the existing justice system. Thus, it has been rightly observed by M. Hamid that the adoption of eCourts in Pakistan will bring a transformational change to the effective administration of justice, and will help to boost the trust of the citizens in Pakistan's legal system (Hamid, 2022). Despite the various advantages of eCourts, some advocates believe that eCourts cannot be fully implemented in the state. Reference may be made to the statement of the one Advocate who opined that physical hearings trump the online system in terms of the nuances of the trade (Vartike, 2020).

### **The Historical Origin of eCourts**

The expression Electronic Court (eCourt) refers to online or virtual court proceedings wherein the Judges, litigators, advocates, and witnesses can join the courtroom remotely. The eCourt mechanism allows resolving the cases by the judges in the virtual presence of the advocates, parties, and witnesses (Cashmore, 1992). Thus, an eCourt is a court with a well-developed technical infrastructure wherein legal matters can be adjudicated upon in the virtual presence of judges, advocates, and litigants. In eCourts, everything is performed in a virtual environment through the use of Information and Communications Technology. Thus, eCourts will prove highly significant in providing the services for the benefit of the citizens. Owing to the highly complicated and time-consuming process of the traditional courts the eCourts aim to make the legal process easier, affordable, and user-friendly. In the eCourts, the whole process is carried out digitally. For instance, information that is generated and shared is stored digitally in the database of particular software. Then the same software can be utilised by the

Judges, litigants, and advocates. This will greatly help in reducing the backlog of cases.

For tracing the historical origin of the eCourts it is necessary to understand the technological developments that took place in the court system. In the late 1980's the concept of video links in the courtrooms was introduced for hearing of the cases (Wilson, 1999). This application allowed a virtual meeting of the judges and parties to decide the cases online. However, it had many issues such as frequent connection disruption, audio-video problems, and difficulty in hearing and recognising the persons owing to bad video quality (Cashmore, 1992). Over time, the use of video links for the courtrooms kept on increasing and it was adopted to record the testimonies of the child witnesses and other vulnerable witnesses. In the context of Malaysia, the Internet emerged in the year 1995. Thereafter in 1997, the eCourts were introduced accompanied by the process of eFiling (Lim, 2015). In Australia, eCourts have been adopted in the year 2000. The Australian courts began using video technology for the distant and vulnerable witnesses. Furthermore, the digital recording was also used to capture visual evidence that can be reviewed later on by the court (Lim, 2015). In Pakistan, however, this concept of eCourts made its way after 2012. It is admirable that to bring the eCourts to international standards, the Lahore High Court, Sindh High Court, and Islamabad High Court have launched the facility of a Case Management System (CMS) and Mobile application for timely updates and record of the cases.

## **Contribution of eCourts to Timely Dispensation of Justice**

### **Existing Backlog of Pending Cases and Causes Behind it**

Undue delay in the disposal of cases has remained a long-standing problem in the judicial system of Pakistan since its independence (Shahid, 2018). Pakistan's superior and district judiciary is facing an increasing backlog of cases which amounts to nearly 2.144 million cases (Shahid, 2018). 4.06 million cases were instituted only during 2021. The extensive number of unresolved cases in all courts from superior to inferior has become a very serious problem and a big concern for everyone (Shahid, 2018).

Civil matters in Pakistan take decades to be finally disposed of. Parties in civil cases have to wait for generations and spend their

lives on pins and needles. Research indicates that usually, a single case takes approximately more than 25 years from the date of its institution to its final disposal by the Supreme Court (Bandial, 2018).

Reports from the Law and Justice Commission of Pakistan have revealed that the Supreme Court, Federal Shariat Court, and high courts have decided a total number of 229,823 cases wherein during the same period another huge number of cases of 241, 250 was registered (Tanoli, 2022). Currently, statistics indicate that several 24, 303 cases were disposed of by the Honourable Supreme Court of Pakistan from February 2022 to February 2023 (Supreme Court of Pakistan, Press Release No.04 of 2023).

The Press Release No. 04 of 2023 has revealed that during this period a total of 22, 018 new cases were instituted. Thus, the backlog of cases in the Supreme Court has been positively declined by the rate of 2, 285 cases thereby reducing it from 54,735 to 52,450.

This indicates the significant contribution of eCourts in helping to decline the backlog of cases. It is pertinent to mention at this juncture that the number of cases disposed of till February 2023 is the highest disposal rate since 2018. This manifests the exceptional efforts of the Honourable judges, the adoption of the eCourts mechanism, and the establishment of the online case management system.

Sindh High Court adjudicated 31,000 cases last year, but still, the total number of cases pending before it remains high which is 84,000 (Tanoli, 2022). Similarly, the Lahore High Court was able to finally dispose of a huge number of cases which is 149, 362 during last year but the total backlog pending before the Lahore High Court at the start of 2022 stood at 187,255 (Tanoli, 2022).

Furthermore, the number of cases freshly instituted before the Peshawar High Court is 23,941 and a total backlog of 44,703 cases exists therein currently (Tanoli, 2022). Moreover, the number of cases pending before the Balochistan High Court is 4,108 (Tanoli, 2022). Finally, in the Islamabad High Court, several 9,433 fresh cases were brought (Tanoli, 2022). Currently, the backlog of 17,457 cases is pending before it. In the same vein, the total number of pending cases before the district judiciary stands at 1,783,830 (Tanoli, 2022). During 2021, the district judiciary disposed of 3,872,686 cases wherein fresh cases of approximately 3,822,885 were instituted (Tanoli, 2022).

Having observed the huge backlog of cases pending at all levels of judiciary in Pakistan, the question arises what contributes to this delay and what are the major gaps that obfuscate the timely dispensation of justice? This increasing number of pending cases signifies that number of cases that are being filed afresh is greater. This also indicates the inadequate number of judges to handle the increasing backlog (Malik, 2022).

The major factors that result in delayed disposal of cases include the frequent adjournments sought by the advocates without any sufficient reason, despite being duty-bound to uphold the rule of law (Ali, 2018). Secondly, there is an inadequate number of judges owing to which cases cannot be disposed of timely (Ali, 2018). Thirdly, every other day Bar Association's issue calls for strikes on petty issues and thereby halt the process of adjudication as lawyers do not appear before the courts of law (Ali, 2018). Furthermore, research indicates that provisions of laws are not duly complied which further results in delayed justice (Ali, 2018). Additionally, the relevant departments of Government are not functioning properly and pay no heed to the citizen's needs which in turn compels the individuals to knock on the doors of the courts consequently leading to an increased number of pending cases (Ali, 2018).

### **How eCourts Will Help in Timely Dispensation of Justice**

eCourts will significantly contribute towards the timely dispensation of justice. It will help to reduce the existing backlog of cases at all levels of the judiciary if implemented therein. This can be achieved by adopting and implementing various projects like Electronic Case Management System (CMS), etc. For example, in Canada, recently a Provincial case tracking system was established to deal with the operational needs of Ontario's courts and to provide authentic data about cases that are pending before the courts (Ali, 2017). Similarly, in the International Criminal Court (ICC) modern technology is utilised in courtrooms and other justice departments to share and store information electronically (Ali, 2017). This is because the statute of ICC namely the Rome Statute allows filing of the cases and their proceedings virtually through electronic mediums. Similarly, various other international criminal tribunals in

Hague, Netherlands rely on modern technologies in deciding the cases (Ali, 2017).

## **Full-Fledged eCourt System in Pakistan**

### **Introduction: Full-Fledged eCourts System**

A full-fledged courts system refers to a completely developed system of virtual courts wherein all the essential functions starting from the filing of the cases, payment of court fees, issuing of summons, to the recording of evidence, and hearing of final arguments to the final announcement of the judgment are conducted virtually from the comfort of home or office with no involvement of paper documents or physical presence unless the circumstances of the case so require.

In Pakistan, although eCourts have been adopted that are limited only to the Supreme Court and a few other courts and they are utilised either for recording evidence or hearing final arguments, and all other necessary acts are required to be conducted physically such as filing of the cases, payment of court fees, issuing of summons, etc.

The full-fledged eCourt was established to conduct the trials of hardened, dangerous, and desperate criminals to ensure the protection of the witnesses and to secure the timely disposal of the cases. The results of this full-fledged eCourt were highly praised by the legal fraternity including the judges of Apex Court because its performance was exceptional. By the full-fledged eCourt, a Modaraba case was finally decided in just twenty days even though the number of witnesses whose testimonies were to be recorded was 23 in number (Malik, 2016). It has been stated by the experts that full-fledged eCourts can be established in a minimum of 36 districts of Punjab and it will cost less than 10 million Rupees (Malik, 2016). It has been argued by experts that the cost of adopting eCourts will be much less as compared to the amount that gets spent each day (Malik, 2016).

## **eFiling, eHearing, and Online Record Management: Essential Components of Full-Fledged eCourts System**

Some of the essential components or major aspects that need to be adopted for the implementation of the full-fledged eCourts system in Pakistan are eFiling, ehearing, and online record management. These aspects are described in detail below.

Electronic filing (eFiling) is a process by which legal documents are transmitted to the court electronically through online mediums instead of traditional paper-based documents. Providing the facility for the eFiling also falls within the broader ambit of eCourts. Traditionally the pleadings of the parties are manually presented before the court officers in the form of paper documents thereafter the information is transferred to the online database. This is a lengthy process therefore, the process of eFiling will help to electronically upload the pleadings with the help of file transfer protocol. eFiling helps to reduce the costs of documents and paper files (James, 1998).

Installation of an eFiling mechanism has the potential to greatly contribute towards a smoother and easier legal procedure. This would also prove more cost-effective. It is an admitted fact that paper documents are prone to various vulnerabilities such as destruction, misplacing, etc or even in exceptional circumstances record room containing all the files may turn into ashes owing to natural or other disastrous situations. Thus, to halt this damage to the records, it is better to introduce the eFiling procedure to make the process more secure, transparent and easier.

For online record keeping the Case Management system (CMS) has been established in all provinces of Pakistan. The case management system is a process wherein the software is used to handle cases administered by the court through a computer system. The case management system comprises several modules such as the registration module through which a case is registered in the online database, the scheduling module which helps in the preparation of the cause lists, and the administration module, etc. (Hamin, 2012).

## **Structural Reforms in Legal Framework for The Adoption of Full-Fledged eCourts in Pakistan**

To install full-fledged eCourts in Pakistan some structural reforms related to the infrastructure and other aspects should be made. Some of the required reforms have been discussed below:

### **i. Establishment of Computer Rooms in the courts**

There is a need for the development of the computer rooms in each court. It must contain the required technological equipment for the effective functioning of the eCourts. These rooms must be managed by IT experts so that no issues may arise in the process. Furthermore, judicial officers should be provided the laptops and other requisite equipment to enable them to work easily from their chambers or home offices. Additionally, judges should be capable enough to supervise the process of the computerised rooms.

### **ii. Imparting the technological training for the Judges and staff members**

Owing to a lack of technological awareness, it is necessary to organize the programs for the training of the Judges and their staff members to acquaint them with the changing technological innovations. This will help them to understand the process of eCourts and they would be in a better position to effectively utilize the process.

### **iii. Providing the Troubleshooting support**

For the smooth functioning of the full-fledged eCourts, it is necessary to provide each court the troubleshooting support. This will help to troubleshoot any issues that may arise during the hearings. This will also help in the management of the cases electronically rather than manually which proves cumbersome most of the time.

### **iv. Ensuring Stable Internet connectivity**

A stable internet connection plays a crucial role in the effective functioning of eCourts. Therefore, it must be ensured that no connectivity issues may arise during the proceedings. Furthermore, in case of any problem, there must be alternatives available to tackle the issue.

**v. Back-up for the Electricity**

In Pakistan, we face the issue of frequent power cuts every day. Even in big cities, this issue is prominent. Therefore, it has become necessary to install power backups in the form of UPS or generators. This will help to maintain the working of the eCourts smoothly and without disruptions.

**vi. Advancement of the technological infrastructure**

The infrastructure in Pakistan is decades old and thus could not provide satisfactory performance. Therefore, it is necessary to upgrade and advance the available technological infrastructure or to replace it with new ones. Additional client machines, networking equipment, cabling, and servers should be provided at all levels of the judiciary.

**vii. Use of Electronic Signatures**

Electronic or digital signature certificates should be provided to judges to make the process easier. This is because digital signatures facilitate the judges in signing the judgments or other documents electronically from remote locations.

**viii. Facility of audio-video Conferencing**

Superior as well as district judiciaries should be facilitated with the reliable facility of audio-video conferencing so that remote hearings, recordings of testimonies, or announcements of judgments could be made without any hurdles or issues of video quality or audio quality. Moreover, video conferencing applications should also be installed in the prisons to ensure the virtual presence of the accused.

**Need for Amendments in Existing Legal Framework for  
Installation of Full-Fledged eCourts System**

Apart from the structural reforms mentioned above, the establishment of full-fledged eCourts in Pakistan requires certain amendments to the existing legal framework too. Laws regulating civil and criminal matters including special laws should be reformed to harmonize them with technological advancements. Therefore, to fully install the eCourts mechanism there is a dire need for proper legislation that can regulate the process electronically.

There is a need for new legislation, or at the minimum, amendments should be made to the existing laws to bring our laws in compliance with the international standards in terms of the eCourts. This paper highlights the laws wherein the amendments may be made to implement the full-fledged eCourts. These are described below:

**i) Requisite Amendments in The Code of Civil Procedure, 1908**

The existing law regulating the civil procedure throughout the country does not define the specific terms that are required for the adoption of full-fledged eCourts. Therefore, it is recommended that the Civil Procedure Code, 1908 (CPC) should be amended to include the definitions of terms such as eFiling, eHearing, eCertification, eNotices, eSummons, and eRecords. Furthermore, section 26, section 128, and section 142 need to be amended too.

Because Section 26 provides that a suit shall be instituted by the presentation of a plaint. This can be amended to introduce the concept of presentation of plaint online thus suits may be instituted electronically as well rather than traditional methods. Section 128 empowers the High Courts to make rules concerning various subject matters. This section may be amended to provide that High Courts may make rules for the adoption and implementation of the eCourts, electronic institution of suits, virtual presence of the witnesses etc. Section 142 provides that all orders and notices served on any person shall be in writing. This may be amended to include the concept of eService, so that notices or orders may be served on any person through electronic modes.

Apart from this, certain orders enshrined within the CPC need to be reformed. For instance, Order III should be amended to include the eSigning of the vakalatnama etc. Order IV may be amended to introduce the concept of presentation of plaint and institution of suit electronically and it must provide for maintaining the register of suits electronically. Order IX may be amended to include that the word 'presence' wherever occurring shall be deemed to include the virtual presence too using the medium of video conferencing.

Moreover, Order X may also be amended to bring it in conformity with the existing international standards applicable to eCourts. Other orders including but not limited to Order XVI, Order

XXIV, Order XXVI, Order XXVII, Order XXIX, Order XXX, Order XIX, and Order XLVI, etc. also need to be modified to implement the eCourts in their entirety in all the civil courts of Pakistan.

**ii) Amendments Needed in The Code of Criminal Procedure, 1898**

Similarly, the Criminal Procedure Code, of 1898 (CRPC) also needs to be reformed to introduce full-fledged eCourt mechanisms practically throughout the district courts of Pakistan. In the definition clause of CrPC, certain words such as eFiling, ehearing, eWarrants, eSummons, eNotices, online record keeping, online recording of the testimonies of the witnesses, online recording of the statements of the accused shall be added to make the law in harmony with the concept of eCourts. Furthermore, other relevant provisions of CrPC may be amended for the proper implementation of the eCourts. Additionally, the word ‘Presence’ of accused witnesses, advocates, or complainants used in Section 353 of the CrPC, should be deemed to include the virtual presence.

**iii) Amendments Needed in The Qanun-E-Shahadat, 1984**

Various provisions of the Qanun-e-Shahadat, 1984 require amendments such as Articles 130, 164. This is because, Article 130 relates to the Order of production and examination of witnesses which states that the order in which witnesses are produced and examined shall be regulated by the law and practice, for the time being relating to civil and criminal procedure respectively, and, in the absence of any such law, by the discretion of the Court. This provision should be amended to include that witnesses may be produced and examined in the courts virtually as well. Moreover, Article 164 provides that evidence through modern devices shall also be admissible in the courts. This provision may also be amended to provide that evidence produced through virtual courts can be admissible in the courts.

**Advantages and Challenges of eCourts System**

**a) Advantages**

The adoption of eCourts will help to ensure access to justice for all citizens at affordable costs. It will help to reduce the backlog

of cases and will help in the timely disposal of the cases. Another major advantage of eCourts is that they are cost-effective. It will help to save the costs of producing the prisoners on every date of hearing. Currently, a majority of under-trial prisoners are detained in Prisons throughout the country. On every date of hearing, it is necessary to produce them physically in the courts. Research indicates that the total cost of producing a prisoner court is above Rs. 50,000 per day (Malik, 2016). Moreover, in high-profile cases, it becomes excessively difficult to bring the politically accused to the court. This also creates a sense of fear and threat among the litigants and witnesses because they get identified by those accused and have a threat to their lives. Therefore, if the eCourts are adopted, judges can keep the identities of the vulnerable witnesses hidden.

Furthermore, it has been stated by the experts that full-fledged eCourts can be established in a minimum of 36 districts of Punjab and it will cost less than 10 million Rupees (Malik, 2016). It has been argued by experts that the cost of adopting eCourts will be much less as compared to the amount that gets spent each day (Malik, 2016).

eCourts will not only improve the system of justice delivery and contribute towards overcoming the challenges faced by the litigants owing to existing traditional court settings by making the process easy, simple, and cost-effective.

Furthermore, it will be very beneficial in sharing the information between different courts and departments since every piece of information could be made available online by the relevant software.

## **b) Challenges**

Although eCourts are quite helpful in ensuring timely justice for the parties and greatly help in reducing the burden of the existing backlog of cases, certain concerns arise while adopting the eCourts. In the existing era, although eCourts have become a need of the time, however, unfortunately, in Pakistan many challenges and shortcomings exist. Due to these glitches and challenges the eCourts mechanism faces hurdles in its full implementation.

Given below are the expected challenges that might arise while adopting the eCourts in Pakistan. The challenges include the lack of effective communication between the courts and relevant departments, not having adequate knowledge of the technology to

the majority of the stakeholders including judges and advocates, and lack of training for the staff. These are outlined below:

**i) Cost-Intensive and lack of funds.** The installation of the eCourts at all levels of the judiciary will prove highly cost-intensive as they will require a wholly new technological infrastructure. The issue of sufficient funds may also cause hurdles in the effective adoption or implementation of eCourts in the long run.

**ii) Cyber security concerns and Hacking.** People are afraid of the cyber security threat. Cyber-attacks are a major concern in the case of the entire setup of the eCourts. To effectively tackle the issue of cyber-attacks, the government should take appropriate measures such as formulating a cyber security strategy.

**iii) Lack of well-equipped and effective infrastructure.** In addition to this, in Pakistan, we can expect issues concerning a lack of well-developed and equipped infrastructure. Furthermore, other challenges may include the non-availability of electricity and lack of stable network and internet connectivity that is prevalent in the majority of areas of Pakistan including the big cities. Effective Electric Connection is a mandatory pre-requisite accompanied by stable internet and well-functional computers to implement the eCourts in letter and spirit.

**iv) Lack of technological awareness among the people.** A wide majority in Pakistan is not fully aware of the technological intricacies. People lack the knowledge about the advancement of technology. Resultantly they face difficulty in understanding the process and choose to stick to the traditional old methods and are not adaptive or inclined towards the eCourts.

### **Recommendations for Addressing the Challenges**

To address the aforementioned challenges, we can first and foremost draw up a policy for encouraging the setting up of eCourts. It is necessary to formulate the policy framework for the adoption of eCourts at all levels of the judiciary in Pakistan. Secondly, it is recommended to improve the existing decades-old infrastructure

and replace it with new ones to effectively address the challenges arising from the eCourts. The government must take the pain of identifying the required infrastructure and thereby provide the same in courts for the efficient installation of eCourts. Thirdly, a highly reliable security system must be developed to respond to the concerns raised owing to the cyber threats. Having a secure eCourts system is of paramount value. Furthermore, user-friendly mechanisms should be provided for better understanding and easier use by the common public. Fourthly, it is recommended to initiate training programs for the judges, staff members, and advocates to effectively use the eCourts mechanism.

Cyber-attacks are a major concern in the case of the entire setup of the eCourts. To effectively tackle the issue of cyber-attacks, the government should take appropriate measures such as formulating a cyber security strategy. Finally, it is necessary to raise awareness about the benefits of the adoption of eCourts, so that the public at large may be facilitated (Dhar, 2017).

### **Conclusion**

Information technology has become an indispensable tool in the present era. The adoption of the virtual or eCourts mechanism is highly commendable owing to its various advantages as discussed hereinabove. It greatly contributes towards the timely dispensation of justice by reducing the backlog of the cases. It is believed that justice delayed is justice denied, but in Pakistan, the issue of delayed justice has continuously affected litigants since its independence and it continues to remain there without any improvement. Thus, it is high time to recognize the importance and significance of this system and it must be adopted in superior courts as well as in district courts including the special courts and tribunals.

Owing to the enhanced rate of population in Pakistan, the average number of cases instituted every day has increased. Additionally, the availability of the litigants and witnesses has remained a central issue. Therefore, the adoption of eCourts will greatly facilitate the parties, witnesses, advocates, and even judges. eCourts have the potential to provide inexpensive and expeditious justice to every citizen of Pakistan. Furthermore, it will help to transform the existing centuries-old judicial system in compliance with the international standards of the modern technological world.

It will help in reducing the pending cases. Thus, there is a dire need to reform the judicial system in Pakistan.

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