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Role of Electronic Summons in Modern Litigation: A Step towards Digital Courts

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ABSTRACT

The rise of electronic summons marks a significant transition in modern litigation, bringing judicial systems into the digital realm in an attempt to improve efficiency, transparency, and access. This article looks at electronic summons as an important aspect of digital courts, especially within the Indian legal context. It evaluates the legal framework around e-summons provided by the Civil Procedure Code, 1908, and the Information Technology Act, 2000, both of which allow for electronic service, as well as judicial decisions endorsing its use. The paper identifies the benefits of e-summons including speed, cost efficiency, tracking and reducing carbon footprints whilst addressing challenges such as verification, data privacy, and the digital divide. In addition to identify legal, benefits and challenges the article integrates best practices in e-summons from jurisdictions such as the UK, US, and Singapore. The last section of the article lists suggested reforms; the need to update procedural laws, standardize processes, invest in awareness training for judges, improve digital infrastructure and invest in the resilience of the e-summons will push e-summons to gain recognition in courts. As India nears the final stage (Phase III) of the eCourts Project, implementing electronic summons will reduce delays, lower the pendency of cases and build a more agile system of justice. The authors call for reforms that strike the right balance between fully unlocking the possibilities of electronic summons whilst ensuring international best practices are followed.

Keywords: *Electronic Summons, Digital Courts, eCourts Project, Civil Procedure Code, Judicial Efficiency, Legal Technology, Comparative Jurisprudence.*

I. INTRODUCTION

"Digitizing Justice, Elevating Credibility!"

In the changing scenario of legal systems across the globe, the use of technology in judicial processes is a giant step towards efficiency, transparency, and accessibility. Among the most prominent developments in this field is the use of electronic summons a computerized version of the conventional system of serving court notices. The use of electronic summons has gained

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progressively important prominence in contemporary litigation, most especially during and post-pandemic periods when courts are also quick to adapt to digitization for purposes of delivering justice on an uninterrupted basis. By permitting the delivery and service of summons via electronic sources like email, messaging services, and official portals of the court, the system not only quickens judicial processes but also alleviates procedural inefficiencies and errors by human means.

The conventional method of serving summons used to entail long processes, manual paperwork, and physical service, which were prone to inefficiencies, delays, and even tampering. Electronic summons, on the other hand, provide a more secure and trackable method of service, with electronic records that can be verified with ease. Indian courts as well as courts around the world have started to accept electronic summons as valid, with milestone judgments and procedural regulations allowing their use in civil and criminal cases.

In addition, the implementation of electronic summons is part of the overall idea of establishing digital courts, where technology has a central role in improving judiciary functions. This transition is most useful in disputes with parties located in far-off places, corporate litigations, and situations where speed is crucial. It also goes in tandem with other digital advancements like e-filing, virtual hearings, and online mechanisms for dispute resolution.

As we go through the digital revolution of the legal industry, the position of electronic summons is a key step toward creating a more responsive, flexible, and accessible judicial system. This article will try to discuss its importance, legal basis, practical issues, and future directions in the context of contemporary litigation.

II. CONCEPT OF SUMMONS UNDER THE CIVIL PROCEDURE CODE

Summons is a crucial step in civil litigation as it ensures that the defendant is informed about the institution of a suit against them and given an opportunity to present their case. **Order-V** of the Civil Procedure Code (CPC), 1908, governs the issuance and service of summons. Electronic summons in India are served validly under **Rule 9 (2) and Rule 9 (3) of Order V** of the Code of Civil Procedure, 1908⁴ which empowers the court to serve summons in any transmission as it deems fit. Also, the Information Technology Act, 2000⁵ recognises sending of electronic records for various purposes, including legal notices, if certain conditions are satisfied.

As the judiciary proceed towards Phase III of the eCourts Project, there is a need to further

⁴ Code of Civil Procedure, 1908

⁵ Information Technology Act, 2000

harness true potential of the technology to make the judicial processes more efficient and transparent.⁶ One such use of technology could be in addressing one of the predominant cause of delay in litigation proceedings, namely, the time taken for issuing summons and notices. The 2015 Bloomberg Businessweek stated that *“if the nation’s judges attacked their backlog nonstop with no breaks for eating or sleeping and closed 100 cases every hour, it would take more than 35 years to catch up”*⁷. This shows the amount of cases that are pending in our courts, and it is high time for the Indian judiciary to shift completely to the digital medium to dispose of cases in a fast-track manner. The Law Commission reports have been directed towards infrastructural shortfalls as being among the principal causes of the backlog of the court cases, but non-compliance with the procedural time limits is another significant factor.⁸ Systematic record system provides for a comprehensive approach for judiciary to uphold the rights of individual and dispense justice in the society at large.⁹ WhatsApp IDs and email addresses are more constant, making it difficult for individual to evade the digital notice. The posts can get unduly delayed or the individual can be absconding but in the digital era it would be difficult to escape notice through your electronic address.¹⁰

III. JUDICIAL PUSH TOWARDS DIGITISATION

Service and issuance of summons are critical aspects of judicial process, serving to inform parties sufficiently regarding ongoing legal processes. In India, the process is dealt with under distinct provisions for criminal and civil cases. Under the Code of Civil Procedure, 1908 (CPC), the law extends from **Sections 27 to 32, Order V, and Order XVI**. These provisions are all together governing the summoning of defendants and witnesses alike, specifying acceptable means of service like personal delivery, service by authorized agents, or affixture at home when the individual is not present. On the criminal side, the Code of Criminal Procedure, 1973 (CrPC), deals with the process of summoning in **Sections 61 to 69**, which enjoin several conventional methods such as personal service, service to an adult member of the family, and affixture at the home or work address of the person being summoned. Apart from these legislative structures, various High Courts throughout the nation have also framed their own

⁶ Deepika Kinhal, Ameen Jauhar et al., ‘Virtual Courts: A Strategy Paper’ (Vidhi Centre for Legal Policy, May 2020)

⁷ Tom Lasseter, “India’s Stagnant Courts Resist Reform,” Bloomberg.com, January 8, 2015, <http://www.bloomberg.com/news/articles/2015-01-08/indias-courts-resist-reform-backlog-at-314-million-cases>.

⁸ Brajesh Ranjan, ‘Supreme Court and the Jurisprudence of Delay’ (2016) accessed on 20th April 2025

⁹ Wan Satirah Wan Mohd Saman and Abrar Haider, ‘Electronic Court Records Management: A Case Study’ IBIMA Journal of e-Government Studies and Best Practices (2012) DOI: 10.5171/2012.925115

¹⁰ Manisha Mundhra, ‘E- Summons in India’, International Journal of Law Management & Humanities, Vol 4, Issue 4, DOI: <https://doi.org/10.1000/IJLMH.111541>

rules of practice to further govern and streamline the summons process in their respective jurisdictions.

Notwithstanding the complex legal mechanisms, the conventional summons process has been full of inefficiencies and delays. Sensing this problem, Phase II of the eCourts Project, launched by the Government of India, aimed to improve the efficiency of service mechanisms. One of the notable developments during this period was the creation of the **National Service and Tracking of Electronic Processes (NSTEP)**, an electronic system to assign summons and notices digitally to bailiffs and process servers. NSTEP added features such as capturing onscreen signature and photographic proof of the recipient or secured premises, thus providing multiple layers of traceability and accountability. The same phase also made it possible to incorporate the **Case Information System (CIS)**, with which electronic issuance of summons and their service by email became possible. Supportive infrastructure like information kiosks, a Central Filing Centre, and court orders and cause lists in PDF format were implemented for making court accessibility and transparency smooth.

But even with these laudable efforts, the roll-out of NSTEP and e-summons has not been consistently effective nationwide. Though pilot efforts have been made to serve summons through digital media such as email and messaging apps like WhatsApp, full and systematic incorporation of such measures is still a work in progress. The COVID-19 pandemic, however, had a transformative impact by forcing the judiciary to embrace more widespread digital practices. As social distancing norms limited face-to-face interaction, India's courts started moving increasingly towards using electronic channels for service of summons and notices. Apart from driving the expansion towards digital courts faster, this change also highlighted the necessity for long-term, technology-based reforms to revolutionize India's judicial infrastructure.

IV. ELECTRONIC SUMMONS: CONCEPT AND MECHANISM

For the solution of the problem regarding physical submission of summons, the Conference of Chief Ministers and Chief Justices (CM/CJ Conference) of 2006 had first acknowledged that there must be more utilization of Information and Communication Technologies (ICT) for the speedy clearance of cases. Since then, the Vision Statement and Action Plan 2009 was designed, which provided the National Arrears Grid for a scientific analysis of arrears and culminated in the creation of the National Mission for Justice Delivery and Legal Reforms¹¹

¹¹ The NCMS Policy and Action Plan Document is available online at <http://supremecourtindia.nic.in/ncms27092012.pdf>

within the Department of Justice of the Government of India and the National Court Management System within the Supreme Court of India.¹² These initiatives by the Government have highlighted a thrust towards an increased ICT-enabled court system.

As technology keeps innovating rapidly, the law is often left to play catch up. However, the CPC foresees such an eventuality with **Part X and Order V, Rule 9**, thereby enabling High Courts to make rules and regulations regarding their own procedure and the procedure for the Civil Courts that lie within their jurisdiction.¹³ Utilising this, the Delhi High Court has made rules regarding the service of summons. It has formulated the *Delhi Court's Service of Processes by Courier, Fax and Electronic Mail Service (Civil Proceedings) Rules, 2010*, which, as titled, provides the modalities of service of summons.¹⁴ Chapter 4 (Rules 12, 13 and 14) notes that the service can be effected by the other parties by electronic mail in civil proceedings. However, the full potential of this provision has not been utilised and no further rules have been promulgated in this regard. The Karnataka High Court on the other hand, through its *Karnataka (Case Flow Management in Subordinate Courts) Rules, 2005* has formulated some rules regarding summons. Interestingly, it imposes an onus on the petitioner to provide the correct postal address, failing which service shall not be attempted. It also imposes a deadline of 7 days for the payment of the process fee and addresses service through registered post.¹⁵

In an effort to advance the digitalization of the summons service process, the eCourts initiative, through its latest Case Information System module, CIS 3.0, facilitates the automatic generation of summons. This system offers a template that must be completed with essential case information, including the case number, the name and address of the addressee, as well as their email address and phone number. Utilizing this information, the system automatically generates the summons.¹⁶

Once created, the summons is dispatched directly to the email address provided in the CIS template. Additionally, these auto-generated summons can be printed for the purpose of serving them. The system also includes a feature for tracking the service status, which encompasses details such as the name of the bailiff or process messenger, the date of delivery, whether the summons has been served or remains unserved, and the reasons for any failure to serve the

¹² <http://doj.gov.in/national-mission/national-mission-justice-delivery-and-legal-reform>

¹³ Code of Civil Procedure 1908, s. 122

¹⁴ Delhi Courts Service of Processes by Courier, Far and Electronic Mail Service (Civil Proceedings) Rules 2010

¹⁵ Vaidehi Misra and Aditya Ranjan, Summons in the Digital Age: ICT Integration in the Service of Summons, VIDHI Centre for Legal Policy

¹⁶ Arhulmozhiselvi, 'Case Management through CIS 3.0' (eCommittee, Supreme Court of India, 2018) 141

summons.¹⁷

V. ELECTRONIC SUMMONS TO A PERSON RESIDING ABROAD

The Hague Service Convention facilitates the transmission of judicial and extrajudicial documents among its signatory countries.¹⁸ One of its primary objectives, as established in 1965, is to create a standardized method for serving summons that ensures timely notification to the recipient and helps expedite legal proceedings. In light of the growing influence of the internet, the incorporation of electronic summons into this framework would align well with the Convention's purpose. However, India has adopted a limited approach to the Convention, allowing the service of summons only through the Ministry of Law and Justice, thereby excluding other possible methods. In contrast, the United States has adopted a broader interpretation by making compliance with the Hague Convention mandatory and integrating it with their Federal Rules of Civil Procedure (FRCP).¹⁹ This interpretation has enabled the U.S. to include electronic summons within the scope of the Convention, treating it as part of the "postal channel," provided that the receiving country does not object and the method is deemed reliable.

Given these developments, it is crucial for India to reconsider its restrictive stance and adapt to the evolving demands of modern legal systems. Although the Hague Convention was drafted at a time when the internet had little to no role, its provisions neither explicitly allow nor prohibit electronic service. This legal ambiguity provides room for a broader and more progressive interpretation. If Indian courts were to adopt such an approach, it could significantly reduce delays in cross-border service of process and conserve valuable human and administrative resources. Moreover, as India continues to be a signatory to the Convention and values its political and legal commitments within the international community, expanding its interpretation to include electronic summons would reflect both practicality and global cooperation.

Metropolitan Magistrate (Mahila Court) of the Karkardooma Courts, Delhi, Surbhi Sharma Vats allowed a complainant's counsel to serve summons on the complainant's estranged husband residing in Australia through Whatsapp, SMS and e-mail after her previous attempts to contact him had failed and using the traditional modes of service would unduly prolong the

¹⁷ eCommittee, Supreme Court of India, 'Objectives Accomplishment Report' (n 9) at 33

¹⁸ Shambu Sharan and Gunjan Chabbra, 'Process Of Service Of Summons In India Under The Hague Convention (October 8 2015)

¹⁹ Jeremy A Colby, 'You've Got Mail: The Modern Trend towards Universal Electronic Service of Process' (2003) 51 Buff L Rev 337

trial (over two weeks).²⁰ The Complainant woman was directed to file an affidavit stating that the phone numbers on which the summons would be sent via WhatsApp and text message and also the e-mail id belong to her husband and that the service of summons have been effected upon him only.

VI. JUDICIAL PRECEDENTS SUPPORTING E-SUMMONS

Summons is generally issued to a person who has to appear before the court on a specific date and time. In the earlier days the summons used to be issued to a person who's in prison, via post or through sources like newspaper publication. Order V of the Code of Civil Procedure talks about summons which says the defendant must be aware about the suit which has been filed against them by the petitioner and has the time to respond. These processes of issuing summons often resulted in delay of the judicial proceedings.

During the Covid-19 pandemic the importance of judicial proceedings through digital technology took place and the term digital court established. It came to improve the justice system in the crucial time. The adoption of e-summons (electric summons) took place and it was discovered to be faster and more effective rather than sending it to post.

Majority of the courts in India have started to accept e-summons as it results in faster trial which results in no delay in the system and it also keeps transparency between the parties.

In the case of *Kross Television India Pvt. Ltd. v. Vikhyat Chitra Production*²¹, the Bombay High Court said that even if someone sends summons via email, text or WhatsApp and the person on the receiving end has seen the message or the message has been double blue ticked then it is applicable. Although it's not formal according to the Code of Civil Procedure but it is allowed.

In the case of *Indian Bank Association v. Union of India (2014)*²², the apex court held that due to the delay of the service of summons, all the cases related to dishonor of cheques are increasing. So, it was suggested by the Apex court that sending notice through email and the traditional mode would help in faster proceedings of the case and will help to reduce the pending cases in the court.

In the case of *Tatva Legal Hyderabad v. Registrar, NCLT Hyderabad*²³, During the covid pandemic the Telangana High Court held that physical document is not possible in the situation

²⁰ Akanksha Jain, Delhi Court Allows Service of Summons Through Whatsapp, SMS, E-mail in Domestic Violence Case, March 23, 2018

²¹ *Kross Television India Pvt. Ltd. v. Vikhyat Chitra Production*, 2017 SCC Bom 934

²² *Indian Bank Association v. Union of India (2014)* 5 SCC 590

²³ *Tatva Legal Hyderabad v. Registrar, NCLT Hyderabad*, 2020 SCC TS 81

so services through mail is allowed and acceptable. The court further said the timely serving of justice is important and it would help in fair decision-making.

In *Tata Sons Limited & Ors vs John Does*²⁴ the Delhi High court allowed the summons to be served through emails and WhatsApp. It has also allowed e summons when it is absolutely convinced that the defendants belong to a certain category and have easy access to the e services and serving through the medium would not be disadvantaged to the party in any way

In another case of *Central Electricity Regulatory Commission v. NHPC Ltd*²⁵, the Supreme Court stated that during times like by Covid-19 pandemic, electronic services of documents and notices are not only valid but necessary because in these situations you don't have any alternative option and for the welfare of people, speedy and fair justice must be ensured.

VII. ADVANTAGES OF ELECTRONIC SUMMONS

The coming of electronic summons has transformed the traditional method of serving court notices, greatly revolutionizing the functioning of legal systems in the contemporary world. Among the most impressive advantages of the digital revolution is the dramatic improvement in speed and efficiency. In contrast to the conventional process, where physical summonses took a few days or even weeks to reach the targeted recipient, electronic summons can be sent within seconds. The process, from generation to sending, is nearly instant, with most digital platforms providing that delivery would not exceed a minute. This not only speeds up the entire litigation process but also enables both the sender and the receiver to access the document conveniently and easily from anywhere in the world with internet access. Consequently, the service of legal notices is no longer constrained by geographical or temporal factors.

Another major benefit of e-summons is its cost-effectiveness. In the old system, a lot of resources are wasted on printing, paperwork, and postage or courier services. Every document had to be physically created, duplicated, and mailed—an often costly and time-consuming process, particularly in multi-party or complicated cases. Electronic summons cut out all such costs. Parties can now send documents by email or other electronic means without paying any extra cost. This not only saves litigants the cost but also makes the judicial system more efficient overall, as it enables courts to operate in a more streamlined and resource-frugal manner.

In addition, the traceability and evidence of service offered by electronic summons allow for a type of "accountability" that is sometimes lacking in conventional methods. Electronic

²⁴ CS(COMM) 1445/2016 & I.A. 13197/2016

²⁵ Central Electricity Regulatory Commission v. NHPC Ltd (2021) 2 SCC 476

platforms present clear signs of receipt and delivery. For example, email software reports back when the message has actually been delivered and, in the case of certain messages, has been read by the recipient. Instant messaging applications like WhatsApp allow for real-time delivery confirmation and read receipts like blue double ticks when the recipient has viewed the message.²⁶ Specialized software applications can even check whether the user has logged onto his/her system or opened the file. Such attributes facilitate the ease with which the court can determine whether or not a party has been properly notified, thus reducing the likelihood of false claims or denial of service.

Besides enhancing procedural effectiveness, electronic summons are also eco-friendly. The conventional method is very much paper-based, which translates to a lot of natural resource consumption. By embracing digital substitutes, the judicial system minimizes its reliance on paper, thus aiding in environmental protection. The green aspect of e-summons renders them an appropriate and environmentally friendly option in a world that is increasingly sustainability- and climate-conscious. The diminished physical storage requirements, transportation emissions, and wastage further support their green image.

A further fundamental aspect of electronic summons is the way they advance access to justice, particularly among parties who reside in remote or foreign locations. Historically, serving summons in rural regions or foreign jurisdictions constituted a sophisticated logistically complicated matter, prone to delays and risking constant loss or misplacement. Postal and courier services also sometimes struggled to extend to inaccessible geographical areas or to far-flung nations, leaving documents sometimes returned undelivered or lost in transit. With electronic summons, such issues are easily overcome. Digital notifications do not worry about physical barriers or infrastructure. Whether a party lives in a metropolis, a rural town, or even another continent, the notice is sent just about instantly, allowing for timely communication and involvement in legal processes.

VIII. CHALLENGES AND LEGAL CONCERNS

While the advent of electronic summons has significantly modernized the litigation process by improving speed, efficiency, and accessibility, the shift towards a completely digital mode of service is not without its challenges. Several legal, technical, and structural issues continue to pose significant barriers to the full-fledged implementation and acceptance of e-summons within the Indian judicial system.

²⁶ <https://www.leadindia.law/blog/en/can-summon-be-served-digitally/>

One of the most pressing concerns is the **authentication and legal validity** of electronic delivery methods. For instance, messaging applications like WhatsApp indicate a double tick when a message is delivered and a blue double tick when it is viewed. However, this alone cannot conclusively prove that the intended recipient has read the message. The recipient may claim that someone else accessed their phone or that they did not personally view the message. This lack of definitive proof raises serious questions about the reliability of such platforms for delivering court summons. In judicial proceedings where service of summons holds crucial procedural importance, mere reliance on app-generated indicators cannot be deemed sufficient evidence of service.

Equally significant is the issue of **data privacy and security**. Summons often contain sensitive and personal information, such as the names, addresses, and the nature of the legal dispute. In an era where cybercrime and data breaches are increasingly common, transmitting such critical information via digital platforms poses considerable risk. If intercepted or accessed by an unauthorized third party, this data could be misused, potentially causing irreparable harm to the parties involved. The absence of robust encryption and cybersecurity measures in some platforms only exacerbates this concern, calling for stringent safeguards and regulated protocols.

Another critical issue is the **lack of uniform standards across various courts in India**. While some courts have accepted the service of summons through email and even messaging apps like WhatsApp, others have restricted electronic service to email alone. This inconsistency creates confusion and undermines the predictability and uniformity of legal procedures. A harmonized and comprehensive framework is essential to eliminate this disparity. The absence of a national guideline or statutory provision on the standardized use of e-summons has led to uneven implementation, leaving room for uncertainty and misuse.

The **digital divide** presents another formidable challenge. Despite rapid advancements in digital infrastructure, many litigants, particularly those from rural or economically weaker sections of society, continue to lack access to smartphones, email, or stable internet connectivity. Additionally, a considerable portion of the population still lacks the digital literacy required to navigate these technologies. Expecting such individuals to comply with or even be aware of electronic summons could lead to unintentional non-compliance and denial of fair opportunity to be heard, thereby compromising the foundational principle of natural justice.

Furthermore, there is **inadequate legal backing in the existing provisions of the Code of**

Civil Procedure, 1908 (CPC). While Order V Rule 9(3) permits services of "any other kind as may be prescribed" and Rule 20 provides for substituted service, there is no explicit mention or recognition of electronic summons within the CPC framework. This legal ambiguity limits the scope of its use and fails to provide a concrete legal basis for enforcing electronic service of process. In order to institutionalize and legitimize the practice of e-summons, specific amendments must be made to the CPC. These amendments should clearly define electronic service, set out procedural safeguards, and establish its legal validity to ensure that such practices are not only technologically sound but also legally enforceable.

IX. PROPOSED REFORMS AND RECOMMENDATIONS

a. Amendments to CPC or Procedural Rules

The Civil Procedure Code, 1908 (CPC), governs the framework for civil court proceedings in India. Currently, Order V of the CPC oversees the issuance and service of summons. While substituted service using electronic means is permitted in specific situations, there is no comprehensive provision that prioritizes electronic service as the primary method.

Certain High Courts, including Delhi and Bombay, have introduced measures for e-service using platforms like email and WhatsApp. However, these methods are largely optional and supplement physical delivery.²⁷ Introducing a uniform amendment to the CPC that explicitly validates electronic service—along with clear evidentiary guidelines—will enhance enforcement and clarity across jurisdictions.

B. STANDARD OPERATING PROCEDURES FOR E-SERVICE

Despite the courts exploring digital avenues for summons delivery, a lack of standardized protocols leads to inconsistencies across regions. The absence of a unified Standard Operating Procedure (SOP) results in interpretational discrepancies.

An effective SOP should encompass:

- A list of approved communication platforms.
- Encryption and digital signature requirements.
- Confirmation mechanisms, such as auto-read receipts or electronic acknowledgments.
- Protocols for re-service in case of failed delivery or technical issues.

This framework will provide reliability and establish a transparent record for judicial

²⁷ *Supra* NOTE 21

oversight.²⁸

C. JUDICIAL TRAINING AND CAPACITY BUILDING

The adoption of e-summons relies on the judiciary's readiness to embrace digital processes. However, many judges and court employees face challenges with handling electronic documents, evidence, and cybersecurity concerns.

Training initiatives led by the National Judicial Academy (NJA) and State Judicial Academies should incorporate:

- Comprehensive modules on e-summons handling and digital court systems.
- Awareness-building around digital privacy and the challenges of technological access disparities.
- Workshops on the legal implications of electronic communications.

Such programs will integrate digital literacy into the judiciary's functioning, ensuring smoother implementation.²⁹

D. LEGAL SAFEGUARDS AND TECHNOLOGICAL INFRASTRUCTURE

E-summons raise concerns about data security, cybercrime, and accessibility, especially for individuals in low-connectivity areas or those unfamiliar with digital communication.

To mitigate these risks, India should:

- Enforce identity verification standards to prevent fraudulent service.
- Establish an encrypted national portal for court communications, akin to the e-Courts system or the National Judicial Data Grid (NJDG).
- Mandate baseline technological infrastructure for district courts, including broadband access, devices, and trained staff.

A robust infrastructure will transform e-summons into an inclusive solution rather than an exclusionary one.

Embracing E-Service in India: Insights from Comparative Jurisprudence

With the world's legal systems increasingly leveraging technology to facilitate judicial process, electronic service (e-service) has been the critical breakthrough. Digital conveyance of legal documents by e-service not only made procedures more efficient but also brought in greater

²⁸ https://mpmmcc.tmc.gov.in/PDF/CRS_SOP_Ver%201.pdf

²⁹ https://www.nja.gov.in/Concluded_Programmes/2022-23/P-1334%20Programme%20Report.pdf

accessibility and transparency in the system of delivery of justice. Comparative jurisprudence establishes that many jurisdictions have incorporated e-service in their procedural structures quite effectively and thereby impart some worthwhile lessons for India to implement further reforms in its judicial infrastructure.

In the United Kingdom, the Civil Procedure Rules (CPR) permit courts to sanction service by email and even social media, as long as there is reasonable proof that the recipient is active on the platform and will most likely receive the communication. This adaptable method ensures that technological progress is used effectively while ensuring procedural integrity.

In the same vein, the United States acknowledges e-service under the Federal Rules of Civil Procedure, particularly in cases where defendants avoid personal service. Utilization of sites like PACER (Public Access to Court Electronic Records) has made e-filing and e-service a standard practice, developing a centralized and effective judicial interface.³⁰

Singapore is a world leader in judicial digitization. Its eLitigation portal includes end-to-end case management, including legally accepted e-service mechanisms. In some special cases, courts in Singapore have also accepted service through WhatsApp and Facebook, highlighting an evolutionary and forward-looking legal system that is open to digital realities.³¹

India, due to its widespread population and geographical spread, can learn importantly from these international experiences. In the first place, an urgent need is to enact express provisions for e-summons in procedural statutes so that there are no interpretational uncertainties. Secondly, the creation of safe and centralised e-service platforms can avoid the judiciary's dependence on third-party apps, enhancing reliability and data security.

Furthermore, accessibility is of the utmost importance. E-service system design needs to be accessible, multilingual, and inclusive in order to support digitally marginalized and disadvantaged segments of society. Having strong support mechanisms and digital literacy programs can also help fill the technology gap.

Based on existing infrastructural limitations and socio-economic inequalities all over India, phased implementation blending physical and electronic means of service may be the most realistic solution. Incremental rollout, initiating from superior courts and urban jurisdiction, can then act as an exemplar to expand country-wide.

³⁰ U.S. Federal Rules of Civil Procedure, Rule 5(b)(2)(E); PACER (Public Access to Court Electronic Records) - <https://pacer.uscourts.gov>

³¹ *Dira Ltd. v. Chua Say Tiong* [2013] SGHCR 12; *CJ v. SM* [2020] SGDC 51 – Singapore cases permitting WhatsApp service.

By embracing such international best practices and adapting them into its own specific context, India can construct an all-efficient, all-inclusive, and future-proofed judicial system through e-service.

X. CONCLUSION

When electronic summons started to appear in today's litigation, we can see an important progression towards digitalising judicial services, generating efficiency, and minimising delay in access to justice. The usefulness of e-summons and electronic processes represents an upgrade from the traditional paper summons to digital services of email, WhatsApp and court portals. E-summons lead to quicker notification, reduced costs and improved transparency. E-summons have been substantiated by Indian Judicial precedents and practice on a global scale in cross border disputes and backlit cases.

But, we encounter some hurdles, authentication issues, data security concerns and the digital divide include and commitment to electronic portals to ensure justice, is a challenge to equitable access. In addition to E-summons improvements supporting judicial training and upgrading technological infrastructure is part of refining the e-summons journey.

As India advances its justice delivery system under the eCourts Mission, a dual system of processing, combining both digital and traditional dimensions, will close any gaps spaces along the way while ensuring equitable access system. The future of litigation in India is a technology-enabled judiciary utilising e-summons, as a key objective of an inclusive, efficient and transparent system. By embracing this move, it will lead to more timely litigations and build public confidence in the integrity of the legal system, possibly leading to fully digital courts of India.
