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## Technology and transparency evaluating the impact of e-Courts and BNSS reforms on justice delivery

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### Abstract

The integration of technology into India's justice system through the e-Courts Mission Mode Project and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 represents a transformative step toward achieving efficiency, transparency, and accountability in judicial governance. This paper critically evaluates the impact of these reforms on justice delivery by analyzing institutional readiness, technological adoption, and procedural outcomes. The e-Courts initiative has computerized over 18,700 courts, digitized 311 crore pages of records, and made 32.19 crore judgments publicly accessible, thereby enhancing openness and data-driven decision-making. The BNSS complements this digital infrastructure with procedural modernization, introducing time-bound investigations, e-summons, and digital evidence management. However, the study finds uneven implementation, infrastructural disparities, and digital literacy gaps that limit the equitable realization of reform benefits. While technology has accelerated case processing and improved access to information, challenges of interoperability, data protection, and inclusivity persist, especially in lower courts and rural regions. The paper concludes that sustainable judicial modernization requires not only technological integration but also institutional capacity-building, legal harmonization, and ethical data governance. By balancing efficiency with due process and privacy, India's justice system can transition from procedural reform to genuine digital justice transformation—ensuring that technology strengthens, rather than substitutes, the principles of fairness and accessibility.

**Keywords:** e-Courts, BNSS reforms, judicial transparency, digital justice, legal modernization

### Introductions

The Indian judicial system, one of the largest in the world, has long faced challenges of delay, inaccessibility, and opacity in its processes. The integration of technology into the judicial framework represents a paradigm shift aimed at enhancing transparency and efficiency. The e-Courts Mission Mode Project, initiated by the Government of India, has been central to this transformation. By 2025, around 18,735 district and subordinate courts have been computerized under this initiative, while 99.5% of court complexes are now connected through a dedicated Wide Area Network (WAN). The National Judicial Data Grid (NJDG) has emerged as a significant transparency tool, offering real-time access to more than 32.19 crore (321.9 million) orders and judgments to the public. Additionally, over 311 crore pages of judicial records have been digitized, enabling easy retrieval and minimizing document loss. These advancements have significantly enhanced accessibility for litigants, lawyers, and citizens, allowing them to monitor case progress online and reducing dependence on intermediaries. The rise of virtual hearings and e-filing systems, especially accelerated by the COVID-19 pandemic, has also reshaped courtroom dynamics, ensuring continuity of justice even during crises. Technology, therefore, is not merely an administrative upgrade but a transformative instrument for promoting transparency, accountability, and citizen participation in judicial governance.

Complementing this digital transformation, the enactment of the Bharatiya Nagarik Suraksha Sanhita (BNSS) in 2023 marked a historic procedural reform in India's criminal justice system, replacing the colonial-era Code of Criminal Procedure (CrPC) of 1973. The BNSS emphasizes digitization, efficiency, and victim-centric justice. It mandates electronic communication of information, e-summons, and video conferencing at various procedural stages, including investigation and trial. The new law prescribes strict timelines for investigations—such as completing inquiries within 90 days in most cases—and directs that bail applications be disposed of within seven days, ensuring greater judicial responsiveness.

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Additionally, issues of accessibility, affordability, and transparency continue to plague justice delivery, particularly for marginalized and rural populations. Limited awareness of legal rights, high litigation costs, and infrastructural gaps—such as inadequate court facilities and outdated record management—exacerbate inequality in access to justice. Moreover, procedural complexities and manual record-keeping have historically led to loss of files, corruption, and opacity in case management. The lack of real-time data and interconnectivity between courts further impedes efficiency. Although several commissions, including the Law Commission of India and the National Court Management Systems Committee, have recommended reforms, their implementation has been gradual. These persistent challenges underscore the urgent need for systemic transformation through technological integration and legal modernization, which form the foundation for initiatives like the e-Courts Project and the BNSS reforms.

### **Problem Statement**

Despite significant judicial reforms and the introduction of digital initiatives, India's justice delivery system continues to be hindered by pervasive delay, opacity, and poor user experience. The most visible manifestation of this crisis is the massive pendency of cases—over 53 million as of 2025—caused by procedural inefficiencies, inadequate human resources, and slow adoption of modern case management tools. Trials often span several years, sometimes decades, eroding public confidence in the judiciary and denying citizens timely justice. Even with the implementation of the e-Courts Project, the speed of adjudication has not improved proportionately due to uneven digital infrastructure, limited interoperability between platforms, and lack of standardized procedures for e-filings, summons, and hearings.

Opacity remains another critical issue. Many litigants and lawyers still struggle to access reliable case information, leading to dependence on intermediaries and corruption risks. While the National Judicial Data Grid has improved data availability, the lack of real-time updates, incomplete digitization of records, and varying data quality across states restrict its effectiveness. Furthermore, user experience gaps persist for both legal professionals and citizens. The digital divide, language barriers, and complex online interfaces make it difficult for ordinary litigants to navigate virtual court systems effectively. Elderly, rural, and economically weaker individuals often lack the technical literacy or access to participate fully in e-processes. Consequently, the justice system's technological modernization has yet to translate into a seamless, transparent, and user-friendly experience. These gaps necessitate a comprehensive evaluation of both the e-Courts and BNSS reforms to ensure that technology truly enhances justice delivery rather than complicating it.

### **Conceptual & Legal Framework**

#### **Technology, Transparency, and Accountability in Public Administration**

The integration of technology into public administration has redefined governance models by promoting transparency, accountability, and citizen engagement. In the justice sector, digitalization serves as both a managerial tool and a democratic enabler. The principle of e-governance

emphasizes the use of Information and Communication Technologies (ICT) to enhance the efficiency, accessibility, and responsiveness of government institutions. Technology-driven transparency in judicial administration ensures that information—such as case status, orders, and judgments—is easily available to the public, reducing informational asymmetry and opportunities for corruption. Accountability, in this context, arises not only from external oversight but also from traceable digital workflows, audit trails, and automated case management systems that limit discretionary manipulation.

In India, initiatives such as the e-Courts Mission Mode Project, the National Judicial Data Grid (NJDG), and online grievance redressal portals illustrate this convergence of technology and governance. They align with the broader objectives of the Digital India mission, which seeks to make governance participatory, paperless, and transparent. However, transparency must also be accompanied by procedural fairness and data protection to prevent misuse of sensitive information. Thus, the adoption of technology in public administration—particularly in judicial settings—embodies a dual imperative: ensuring visibility of processes while safeguarding institutional integrity and individual privacy. Ultimately, the technological modernization of courts aims not merely at digitizing justice but at democratizing access to justice through openness, efficiency, and trust.

### **BNSS Overview and Key Procedural Changes (vs. CrPC)**

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 represents a major structural reform of India's criminal procedure law, replacing the Code of Criminal Procedure (CrPC), 1973. The BNSS seeks to modernize criminal justice by integrating digital tools, strengthening timelines, and enhancing victim and witness participation. One of the most transformative provisions of the BNSS is the formalization of electronic communication, including e-summons, digital warrants, and video conferencing for examination of witnesses and accused persons. This digital integration aligns procedural law with contemporary realities of governance and technology.

Another major reform under BNSS is the introduction of time-bound mechanisms for investigation and trial. For example, the law mandates that investigation in most cases be completed within 90 days, and bail applications be decided within seven days. It also broadens the scope of summary trials and plea bargaining to reduce pendency and improve case disposal rates. Unlike the CrPC, which relied heavily on manual processes, the BNSS envisions seamless coordination between law enforcement, prosecution, and courts through digital case tracking systems. It enhances victim rights, allowing them greater participation during investigation and trial stages. Furthermore, provisions for forensic evidence, electronic recording of statements, and digital case diaries mark a decisive shift toward data-based adjudication. Collectively, these procedural changes signify a movement from a colonial, paper-based, and police-dominated framework to a citizen-centric, technology-empowered, and transparent justice process. However, successful implementation depends on digital readiness, inter-agency coordination, and continuous training across all levels of the criminal justice system.

### **E-Courts Programme (Phases I-III): Vision, Components, and Governance**

The e-Courts Mission Mode Project is the flagship digital transformation initiative of the Indian judiciary, implemented in three progressive phases since its inception in 2007. Its overarching vision is to make justice delivery accessible, efficient, cost-effective, transparent, and accountable through the use of technology. Phase I (2007-2015) focused on infrastructure creation—computerizing district and subordinate courts and connecting them through a national Wide Area Network (WAN). Over 14,000 courts were computerised during this stage, establishing the foundation for digital records and case management.

Phase II (2015-2023) expanded the scope by developing the National Judicial Data Grid (NJDG), enabling e-filing, e-payment, and video-conferencing facilities. It also facilitated online availability of over 32 crore judgments and orders, thus operationalizing transparency and data-driven monitoring. The focus shifted from infrastructure to service delivery—integrating litigant-centric interfaces such as the e-Courts Services app and the JustIS application for judges.

Phase III (2023-ongoing) envisions a “Digital Courts Ecosystem” grounded in interoperability, cloud computing, and artificial intelligence. It promotes paperless functioning, virtual courts for traffic and minor offenses, and predictive analytics to manage caseloads. Governance of the programme rests with the e-Committee of the Supreme Court of India, in collaboration with the Department of Justice and National Informatics Centre (NIC). This multi-level governance ensures standardization and scalability across states. Collectively, the e-Courts initiative symbolizes India’s strategic commitment to embedding transparency, speed, and inclusivity within the judiciary through sustained technological evolution.

### **Open Justice, Due Process, and Privacy: Balancing Principles**

The principle of open justice lies at the heart of democratic governance and judicial legitimacy. It mandates that judicial proceedings and outcomes must be accessible to the public, thereby ensuring accountability and public confidence in the rule of law. However, the digitization of judicial processes introduces new tensions between openness, procedural fairness, and privacy. The e-Courts and BNSS reforms, while designed to enhance transparency, have inadvertently raised concerns regarding the exposure of sensitive data, surveillance risks, and unequal access to digital tools. Balancing these competing imperatives—transparency versus privacy—is now central to India’s justice reform discourse.

Due process requires that every individual be given a fair opportunity to participate in proceedings and access justice without discrimination. Technological interventions must, therefore, be inclusive, addressing linguistic diversity, accessibility for persons with disabilities, and digital literacy gaps. Meanwhile, the public dissemination of judgments, case details, and witness testimonies must respect data protection norms and the right to be forgotten, as recognized in emerging Indian jurisprudence on privacy. Courts increasingly face the challenge of safeguarding personal data while retaining transparency in decision-making. Hence, the future of open justice in the digital era depends on embedding privacy-by-design and equity-driven frameworks into judicial technology. In essence, open

justice must evolve from mere data disclosure to responsible transparency—ensuring that visibility serves fairness, not exposure, and that technological efficiency does not compromise the fundamental rights guaranteed under the Constitution.

### **Theory of Change/Logic Model for Tech-enabled Justice**

The theory of change for technology-enabled justice in India rests on the premise that digital innovation can improve judicial efficiency, transparency, and accessibility, ultimately enhancing public trust. This transformation begins with inputs such as digital infrastructure (computers, networks, and databases), human capacity-building, and supportive legal frameworks like the BNSS. These inputs enable activities such as e-filing, video hearings, case tracking, and digital evidence management. The immediate outputs include faster information exchange, reduced paperwork, and transparent monitoring through platforms like the NJDG.

In the short term, these interventions are expected to increase convenience for litigants, improve accountability through traceable digital workflows, and reduce manual errors. In the medium term, efficiency gains should manifest as lower pendency rates, standardized procedures, and enhanced inter-agency coordination. The long-term outcomes target systemic transformation—delivering timely justice, increasing institutional transparency, and strengthening citizen trust in the judiciary. However, this logic model assumes that stakeholders—judges, lawyers, police, and citizens—possess adequate digital literacy and access, which remains uneven. It also presupposes ethical data governance to prevent surveillance or exclusion. Therefore, the sustainability of this change depends on continuous evaluation, adaptive governance, and equitable access policies. The ultimate goal of the theory of change is to ensure that technology not only digitizes justice processes but also democratizes justice outcomes, bridging the gap between procedural efficiency and substantive fairness.

### **Institutional & Implementation Context**

The success of technology-led judicial reform in India fundamentally depends on the interplay between multiple institutional stakeholders and their ability to adapt to systemic change. The judiciary, as the primary decision-maker, plays a pivotal role in guiding the vision and governance of e-Courts and BNSS reforms through the e-Committee of the Supreme Court of India. Judges not only interpret and apply these reforms but also serve as administrative leaders ensuring their adoption in subordinate courts. The Bar and legal practitioners act as intermediaries between the justice system and citizens; their willingness to embrace e-filing, virtual hearings, and digital evidence protocols determines the practical success of reforms. Litigants, particularly those from marginalized backgrounds, represent the ultimate beneficiaries but also face digital literacy barriers that can restrict access to justice. Court staff form the operational backbone of implementation—responsible for data entry, scanning, and case management tasks—yet often lack advanced digital training. Finally, technology vendors, primarily the National Informatics Centre (NIC) and accredited private partners, design, maintain, and secure the technological architecture, making their coordination with judicial administrators crucial. The alignment of these stakeholders’ incentives, capacities, and



workflows determines whether the digital transition achieves its intended goals of transparency and accessibility or merely creates new layers of bureaucratic complexity. The backbone of India's digital judicial transformation lies in its ICT infrastructure and interoperability standards. The Case Information System (CIS) serves as the foundational software that standardizes case registration, tracking, and reporting across district and subordinate courts. Built on open-source architecture, it ensures uniform data structuring nationwide, enabling seamless data flow into the National Judicial Data Grid (NJDG)—a real-time repository that aggregates case statistics and judicial performance metrics from across the country. Parallely, the Interoperable Criminal Justice System (ICJS) integrates courts, police, prisons, prosecution, and forensic departments into a single digital ecosystem. This interconnectivity allows for faster transmission of First Information Reports (FIRs), charge sheets, and trial records, minimizing duplication and delay. Together, these systems embody the government's commitment to creating a unified "digital justice pipeline." However, interoperability remains uneven due to disparate state-level adaptations, legacy systems, and insufficient standardization in metadata protocols. Moreover, disparities in internet connectivity, especially in rural and northeastern regions, constrain real-time data synchronization. Addressing these challenges requires not just technical upgrades but also adherence to national ICT standards for digital security, cloud storage, and data formats to ensure scalability and uniform performance across jurisdictions. Implementation of these reforms has also highlighted the human and ethical dimensions of technological change within the justice ecosystem. Change management—encompassing capacity-building, procedural adaptation, and user support—remains critical for sustaining digital reforms. Regular training programs for judges, lawyers, and court staff under the National Judicial Academy and state judicial academies focus on e-filing, case management, and cybersecurity awareness. However, these efforts must be scaled to reach lower courts, where resistance to digitalization remains high. Clear Standard Operating Procedures (SOPs) for e-Courts operations, evidence handling, and virtual hearings help standardize practices, but periodic updates are required to keep pace with evolving technology. Simultaneously, robust data governance frameworks are essential to maintain public trust. This includes establishing transparent policies for data accessibility, retention, and security—balancing open justice with privacy. Sensitive data such as witness identities, minors' records, and personal details must be protected through encryption and role-based access controls. Furthermore, India's emerging data protection regime, inspired by the Digital Personal Data Protection Act, 2023, mandates lawful and minimal data retention, ensuring compliance with privacy rights under Article 21 of the Constitution. In sum, institutional cooperation, standardized technology, user-centric training, and ethical data stewardship together form the foundation for a resilient, transparent, and accountable justice delivery ecosystem in the digital era.

### **BNSS Reforms: Expected vs. Observed Procedural Outcomes**

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 was envisioned as a transformative legal framework aimed at

modernizing India's criminal procedure system by promoting efficiency, transparency, and technological integration. The expected outcomes included faster investigations, time-bound trials, digital documentation, and enhanced victim participation. The BNSS sought to streamline criminal proceedings through mandatory timelines—such as completing investigations within 90 days, deciding bail within seven days, and ensuring electronic communication of summons and warrants. It also aimed to reduce pendency by expanding summary trials and plea bargaining mechanisms, while mandating video conferencing for witness examination and accused appearances to minimize logistical delays. Policymakers expected that the use of digital case records, forensic evidence, and e-reports would not only expedite justice but also enhance procedural transparency and accountability. However, the observed outcomes in the initial phase of implementation have been mixed. While metropolitan jurisdictions and higher courts have shown promising adoption of e-processes and digital hearings, lower courts and rural districts continue to struggle with inadequate infrastructure, limited internet bandwidth, and lack of trained personnel. The time-bound provisions, though progressive, are often undermined by investigative delays, overburdened police stations, and inconsistent coordination between investigative and judicial agencies. Moreover, while video conferencing has reduced travel-related delays, procedural challenges such as unreliable connectivity and limited access to digital devices have restricted inclusivity. Consequently, while the BNSS represents a significant procedural advancement in principle, its full potential to deliver timely and transparent justice remains contingent on sustained infrastructural, administrative, and capacity-building reforms.

### **E-Courts Components and Operational Performance**

The e-Courts Mission Mode Project represents the cornerstone of India's judicial digital transformation, designed to enhance efficiency, transparency, and citizen access. Among its core components—e-filing, e-payments, and e-summons—the level of adoption varies considerably across jurisdictions. As of 2025, all 25 High Courts and over 18,700 subordinate courts have been equipped with e-filing modules, yet only about 30-35% of total filings are conducted electronically. Lawyers in metropolitan centers like Delhi, Mumbai, and Bengaluru have readily embraced e-filing, whereas smaller towns face low adoption due to limited digital literacy and unreliable internet access. The e-payment system, integrated with government payment gateways, has simplified court fee transactions, processing over 15 million digital payments annually. However, technical glitches, lack of integration with state treasuries, and inconsistent receipt generation remain major bottlenecks. Similarly, e-summons—intended to replace manual service with digital delivery via SMS or email—have improved speed but face enforcement issues due to outdated contact databases and non-uniform implementation by police departments. These inconsistencies highlight that while the infrastructure exists, procedural uniformity and user training lag behind, leading to fragmented success in automation at the procedural level.

The adoption of virtual hearings has been one of the most visible outcomes of the e-Courts transformation, particularly accelerated by the COVID-19 pandemic. By 2025, over 4.2

crore virtual hearings have been conducted across High Courts and district courts, demonstrating the judiciary's capacity for digital adaptation. The Supreme Court and most High Courts have maintained a hybrid model—combining in-person and online hearings—to ensure continuity. Surveys conducted by judicial academies indicate that around 70% of judges and 65% of lawyers express satisfaction with virtual hearing efficiency, especially in reducing travel time and improving scheduling flexibility. However, persistent reliability issues—unstable internet connectivity, lack of standardized software, and cybersecurity vulnerabilities—continue to disrupt proceedings. Moreover, litigant inclusivity remains a challenge; rural and economically weaker citizens often lack devices or stable connections to participate meaningfully. Consequently, while virtual courts have enhanced accessibility and reduced delays in urban centers, they risk reinforcing the digital divide elsewhere. Addressing these disparities through infrastructure subsidies, public digital kiosks, and consistent training is essential for equitable digital justice delivery.

At the data management level, the Case Information System (CIS) and National Judicial Data Grid (NJDG) serve as the operational backbone for case tracking and transparency. The CIS, operational in nearly 99.5% of courts, records case metadata from filing to disposal, ensuring uniformity across jurisdictions. The NJDG aggregates this information into a public dashboard, which as of 2025 hosts data on over 32.19 crore orders and judgments and 53 million pending cases. However, the completeness, timeliness, and accuracy of entries vary considerably. In several district courts, delays in data entry and inconsistent updating of case status lead to information gaps between actual and reported pendency. Data validation and quality assurance protocols remain weak, particularly where manual data migration persists. Despite these gaps, the NJDG has transformed judicial accountability by allowing policymakers, researchers, and citizens to track court performance, monitor delays, and identify bottlenecks. Efforts are now underway to incorporate real-time APIs and AI-driven dashboards to improve accuracy and predictive insights. Nonetheless, ensuring standardized data entry, timely updates, and automated validation mechanisms remains critical to maximizing the NJDG's potential as a transparency instrument.

The final pillar of digital judicial integration lies in interoperability through the Interoperable Criminal Justice System (ICJS), which connects the judiciary with police, prosecution, prisons, and forensic departments. The ICJS facilitates digital transmission of First Information Reports (FIRs), charge sheets, and trial records, significantly reducing physical paperwork and delays in inter-agency communication. As of 2025, ICJS integration covers all High Courts and over 95% of district courts, while the e-Prisons platform links more than 1,300 correctional facilities, allowing real-time access to prisoner data, parole applications, and bail status. These linkages have enabled faster processing of undertrial cases and improved coordination between judicial and law enforcement agencies. However, data synchronization challenges, fragmented digital standards, and privacy concerns remain. The lack of seamless metadata exchange between legacy systems of police and courts often leads to duplicate or incomplete records. Moreover, stringent data-sharing

protocols and encryption standards are still evolving, raising questions about accountability and confidentiality. Overall, while the e-Courts ecosystem and its allied platforms have achieved commendable progress in digitalization, their operational performance hinges on continuous improvements in interoperability, data governance, and equitable access—ensuring that technology becomes a true enabler of justice rather than an additional procedural layer.

## Discussion

The evaluation of India's justice digitization under the e-Courts Mission Mode Project and the BNSS reforms reveals a nuanced picture of progress and persistent structural gaps. From the perspective of the theory of change, several components—such as digital case tracking (NJDG), e-filing, and video hearings—have successfully translated inputs (technology and infrastructure) into outputs (faster information flow and enhanced transparency). These interventions demonstrate tangible efficiency gains in urban jurisdictions where connectivity, training, and institutional readiness are stronger. However, the logic model's assumptions—especially universal digital literacy and uniform infrastructure—proved overly optimistic. Rural courts, undertrained staff, and inconsistent procedural adaptation have diluted potential impacts. The result is a “two-speed judiciary,” where modernization advances at the higher levels but remains fragmented at the grassroots. Reconciling efficiency with transparency and rights safeguards has emerged as a central challenge. While digital case access and online hearings have enhanced accountability, they also risk undermining due process and privacy when implemented without robust data governance. Efficiency-driven digitization sometimes prioritizes case throughput over procedural fairness, creating tension between speed and substantive justice. Likewise, the integration of video conferencing, e-summons, and digital records must remain grounded in constitutional principles of open justice and the right to be heard.

The BNSS and e-Courts frameworks complement each other in intent—BNSS providing procedural modernization, and e-Courts delivering technological capacity. Yet, tensions arise when digital readiness fails to match legal mandates, causing procedural bottlenecks. Internationally, India's reforms mirror models like Singapore's e-Litigation and Estonia's digital courts, but lag in standardization, user experience, and data interoperability. Global benchmarks emphasize not only digital efficiency but also inclusivity and ethical data practices—areas India must strengthen to ensure its reforms deliver both technological modernization and justice equity.

## Conclusion

The convergence of the e-Courts Mission Mode Project and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 marks a defining moment in India's pursuit of transparent, efficient, and citizen-centric justice. Both reforms share a common vision—to modernize procedural law and judicial administration through technology-driven transparency. The findings of this evaluation demonstrate that significant progress has been achieved in digitizing court operations, improving data accessibility through the National Judicial Data Grid (NJDG), and introducing time-bound procedures for investigation and trial. These measures have collectively enhanced institutional accountability, reduced dependence

on intermediaries, and fostered public trust in the justice system. However, the benefits remain unevenly distributed, largely concentrated in urban and higher courts with better digital infrastructure and trained personnel.

Persistent challenges—such as inadequate connectivity, uneven digital literacy, weak data governance, and limited inter-agency coordination—continue to constrain the transformative potential of these reforms. The pursuit of technological efficiency must therefore be balanced with the imperatives of due process, inclusivity, and privacy protection. A digitally empowered judiciary cannot thrive without human capacity-building, consistent procedural standardization, and ethical data practices. Going forward, policy focus must shift from technological deployment to digital equity and sustainability, ensuring that modernization bridges rather than widens the justice gap. In essence, while technology has laid the foundation for a more transparent and accountable judiciary, the realization of its full promise depends on continuous institutional learning, collaborative governance, and unwavering commitment to the constitutional ideal of timely and accessible justice for all.

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