

Faster civil trials in India through technology reforms and procedural innovations

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Tech-savvy solutions not only promise to reduce the backlog of cases but also aim to restore public confidence in the judicial process, ultimately ensuring that justice is delivered in a timely manner.

INDIAN judiciary faces a significant backlog of civil cases, with around 11.1 million cases pending, of which 22 percent are older than five years. These prolonged delays erode public trust in the legal system and leave many in a prolonged state of uncertainty while awaiting justice.

In *Ramrameshwari Devi & Ors. versus Nirmala Devi*, where Dr Arun Mohan served as *amicus curiae*, the Supreme Court expressed deep concern over the state of civil litigation in India. The court noted how the appellants in this case exemplified the misuse of the judicial system, enabling unscrupulous litigants to continually harass respondents and their families.

Civil suits in India take an average of 10 years to resolve, with an additional 10 years at the appellate stage if the enforcement of the decree is contested. Even then, the challenges for the plaintiff often intensify during the execution proceedings. The court emphasised that the credibility of the judiciary is at risk unless urgent remedial actions are undertaken.

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In response to these challenges, the court has implemented a series of directives aimed at accelerating case resolutions. Chief justices of high courts are now required to monitor older cases more closely, and civil court judges must adhere strictly to procedural timelines outlined in the Civil Procedure Code (CPC).

Trials are encouraged to proceed on a day-to-day basis, whenever feasible. These measures come in light of a specific case (*Yashpal Jain versus Sushila Devi*) pending for 41 years, illustrating the broader problem of delayed justice in India.

One of the key strategies for managing the backlog of cases involves leveraging technology to streamline court operations and enhance efficiency. Justice P. Sathasivam, former Chief Justice of India, has also emphasised the importance of e-governance in the judiciary. He advocates for the adoption of information and communication technology to streamline case progression, enhance transparency and ensure that cases are resolved within prescribed timeframes.

The integration of technology into the Indian judicial system has demonstrated significant promise in expediting the disposal of civil cases, thereby enhancing the overall efficiency and accessibility of legal processes. Launched in 2005, the e-Courts Mission Mode Project has been pivotal in digitising courts across India.

The project focuses on digitising district and subordinate court complexes across India, with the goal of creating a paperless environment that facilitates secure and efficient record-keeping. The key service levels targeted by this project include the registration of cases with auto-generated unique case numbers, the provision of copies of judgments through a web platform, and the preparation and delivery of decrees via email, where applicable.

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Additionally, the project aims to automate the generation of cause lists and court diaries, provide online access to case statuses from the filing of the case to its final disposition, and facilitate the generation of daily Orders.

Furthermore, each court will have its dedicated website, enhancing accessibility and transparency. As of 2023, over 18,735 courts have been computerised, enabling real-time case tracking, e-filing and virtual hearings.

Twenty-eight virtual courts, operational in 21 states and Union territories, have processed over 5.08 crore cases and collected more than ₹561.09 crore in online fines as of May 31, 2024. This model demonstrates how technology can effectively manage routine judicial functions and expedite case processing.

This digital shift has notably reduced administrative burdens and procedural delays. The National Judicial Data Grid (NJDG) serves as a key tool in this transformation, offering real-time data on pending and disposed cases.

It helps in identifying limitations and monitoring the judicial process more effectively, ensuring greater accountability within the system. The COVID-19 pandemic further accelerated the adoption of technology, with courts rapidly transitioning to virtual hearings. The Supreme Court and various high courts utilised video conferencing to continue judicial functions during lockdowns, a practice that remains in use for geographically distant parties and urgent cases.

Additionally, the Supreme Court Portal for Assistance in Courts Efficiency (SUPACE) project, initiated in 2021, explores the use of artificial intelligence (AI) in legal research and case management.

AI assists judges by providing relevant legal precedents and aiding in decision-making, thereby reducing the time required for legal research. Although AI's role is still evolving, its capacity to support predictive analysis, document review and case management holds promise for enhancing judicial efficiency and reducing backlogs.

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Technology can further improve civil case resolution through online dispute resolution (ODR) platforms, which offer alternative avenues for resolving disputes outside the traditional courtroom setting.

ODR facilitates the process of mediation and arbitration via digital platforms, enabling parties to reach settlements in a more expedient and cost-effective manner. This approach is particularly beneficial for resolving low-value civil disputes, which often contribute to the backlog in courts.

Through the integration of ODR into the civil justice system, the potential for reducing delays and enhancing the overall efficiency of case management is greatly increased. Digital document management and e-filing systems have also been widely adopted, allowing litigants and lawyers to file cases and submit documents online.

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For instance, the Delhi High Court's e-filing system has led to a significant reduction in procedural delays, streamlining the pre-trial process. The Rajasthan High Court's launch of a mobile application for electronic summons service further illustrates this trend, incorporating features such as photographic evidence, signatures, and GPS location tracking to confirm receipt.

Although still in its early stages in India, the use of advanced data analytics in case management holds the potential for triaging and prioritising cases based on urgency, complexity and social impact.

These technological advancements are crucial for addressing the longstanding issues of case backlog and inefficiency in the Indian judicial system. By improving the speed and transparency of civil case disposal, reducing costs for litigants, and ensuring more equitable access to justice, digital transformation is paving the way for a more effective legal process in India.

Several significant structural and procedural reforms have also been undertaken to address delays. Order 18 Rule 4 of Code Civil Procedure (Amendment) Act, 2002 now permits the chief examination of witnesses through affidavits, with cross-examination conducted in court or by a commissioner.

This amendment aims to expedite witness testimonies and streamline case processing. The National Mission for Justice Delivery and Legal Reforms, established in 2011, aims to improve access to justice and enhance accountability through various initiatives. These include improving court infrastructure, increasing the number of judicial officers, and implementing legislative reforms to reduce litigation delays.

For instance, the centrally sponsored scheme for the development of infrastructure facilities has allocated ₹8,758.71 crore for expanding court facilities, including new court halls and residential units for judges.

Additionally, the Delhi High Court's endorsement by the single Bench of Justice Prateek Jalan in Lease Plan India (P) Ltd versus Rudrakash Pharma Distributor, of using WhatsApp for serving summons, a practice now adopted in several high courts, illustrates how digital communication can accelerate the delivery of legal documents and reduce procedural delays.

Addressing common dilatory tactics employed by litigants is also crucial for reducing case delays. Tactics such as raising unnecessary disputes, requesting frequent adjournments, and introducing irrelevant evidence often contribute to prolonged case resolution.

To counteract these delays, courts are focusing on ensuring that all necessary documents are on record, using discovery procedures effectively, and making prompt decisions on objections related to evidence.

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The government's commitment to reducing judicial backlog includes filling judicial vacancies and establishing fast-track special courts. Since 2014, there has been a notable increase in the number of judges appointed to the Supreme Court and high courts, as well as an expansion in the sanctioned strength of judicial officers in district and subordinate courts.

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Fast-track special courts have been established to handle serious crimes and expedite the resolution of pending rape cases, with a scheme extended by the Union cabinet for another three years, from April 1, 2023 to March 31, 2026, at a total outlay of ₹1,952.23 crore.

Recent legislative amendments, such as the Negotiable Instruments (Amendment) Act, 2018 and the Commercial Courts (Amendment) Act, 2018, further aim to streamline legal processes and reduce delays. These amendments are part of a broader effort to enhance judicial efficiency and expedite case resolution.

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The integration of technology and procedural reforms represents a crucial strategy for accelerating civil trials in India. By leveraging advancements such as the e-courts project, AI, and virtual courts, and addressing procedural challenges and dilatory tactics, the judiciary can work towards a more efficient and effective justice delivery system.

These tech-savvy solutions not only promise to reduce the backlog of cases but also aim to restore public confidence in the judicial process, ultimately ensuring that justice is delivered in a timely manner.