



JUSTICE ROUND THE CLOCK: THE LAUNCH OF KOLLAM'S 24/7 COURT AND ITS IMPACT ON EXPEDITING TRIALS

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INTRODUCTION

"Justice delayed is justice denied". The delayed delivery of justice has been a major challenge for the judicial system across the globe, as the timely delivery of justice is crucial to protect rights. In India, this challenge continues to strain courts, eroding public trust and delaying justice for countless individuals. The huge population of the country, overburdened judiciary, frequent adjournments, inadequate use of technologies, inefficient judicial management, and major socio-economic barriers, etc., have raised the dire need for the digitalization of courts in the everything-digitalized era for reforms to streamline the judicial setup of the country.

One such historic milestone is the launch of Kollam's 24/7 court, a groundbreaking step to mitigate the long-standing challenge. On 16 August 2024, Justice Bhushan Ramkrishna Gavai of the Supreme Court inaugurated the pilot project '24/7 ON Courts' in Kerala's Kollam district, with the extended support of a non-profit public mission, UCARP-Public Collective for Avoidance and Resolution of Dispute. The project aims to revolutionize the resolution experience of individuals by implementing simplified processes. It has initiated live sessions by the end of 2024, initially targeting cases of cheque dishonor under section 138. The initiative aims to digitalize the entire legal process, providing in-time services that cater to people's diverse needs, regardless of their location, preferences, or circumstances. The goal is to establish a system where the court comes to the people, rather than the other way around. The government anticipates extending the ONCOURT project to all other districts, contingent on its efficiency and success.

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FEATURES OF THE KOLLAM 24/7 COURT

As of 2024, over 51 million cases are still pending across various courts in the country, leaving millions of individuals in distress, ranging from petty cases to the most urgent matters. Cheque-bouncing cases account for approximately 10% of the total criminal backlog. This initiative has the potential to significantly reduce the backlog. Kollam stands out among all the districts due to its high rate of cheque disbursement. Similarly, the Motor Vehicles Act accounts for approximately 10% of the pending cases. Although it makes up a small portion of pending cases, automating a few of these cases has the potential to significantly reduce the judicial burden. Here, the ON-Court is now exclusively for cheque bounce cases where the punishment does not exceed two months of imprisonment or a fine that exceeds twice the cheque amount, whereas the cases take years for disposal. Now people can send a legal notice in 15 days and file the case within 30 days if required in a cheque dishonor case without actually coming to court; earlier people had to frequently visit the court from filing a case until the disposal of the case, which required their time, travel, and other expenditures, etc., making it less accessible and affordable to underprivileged sections of society in the fight for justice.

The ON Court (Open and Network), currently operational in Kollam, maintains a direct connection with the police and post office, enabling prompt and digital summons to the public. While a typical court setup would require 30 staff members and a magistrate, the Kollam model operates with just 3 staff members and a magistrate. The Kollam model facilitates e-payments to guarantee a seamless payment gateway, secure cashless transactions, and a significant reduction in authority bribery, thanks to timely monitoring and high-quality camera surveillance. A model digital courtroom, the CCTV surveillance unit, was also developed by the Kerala High Court to overcome the limitations of traditional courtrooms by optimizing internet and computer technology and launched on the occasion by Justice Gavai.

The digital court enables individuals to file complaints, facilitate intelligent hearing scheduling, document statements, and monitor case statuses from their current location. This eliminates the need for people to relocate, as trials often take place in courts that have jurisdiction over the incident, sometimes in states and districts distant from their homes. The digital court streamlines the process for both the accused and the victim, ensuring a swift trial and efficient case resolution. The court is now referred to as the 'Special Court of Judicial

Magistrate of First Class' for trials of cases under section 138¹ making it accessible for anyone from anywhere at any time for the cheque-bouncing cases that come under the three Magistrate Courts of Kollam and Chief Judicial Magistrate Court. Phase III of the Supreme Court e-court policy, along with broader efforts to digitize the judiciary, includes an online dispute resolution system, a model court, a library, and more. It's a national initiative to adopt technology that can make connecting and networking easier and decrease the pendency of piled-up petty cases swiftly.

The Kollam model has the potential to elevate the Indian judiciary to unprecedented levels by enhancing its efficiency and accessibility for all. People can save time and effort on procedural matters such as adjournments, making payments, and receiving copies of applications, orders, and judgments. The hearings will be more predictable and certain. It can be viewed from various socio-economic perspectives. In India, as we know, our judicial system is a slow process for which people have to spend so much of their time due to the constant adjournments and find monetary sources to afford the legal battle, which may even endanger their livelihood as it disrupts their entire life cycle, which is a matter of concern for the people as we analyze that more than half of our country lives below the poverty line, making it even difficult for them to access justice.

EXPECTED IMPACTS AND OUTCOME OF 24/7 COURT

Just like hospital casualty's 24/7 work, a similar model is proposed to work for justice as well for the speedy trial and settlement of all the cases. In the upcoming years, the government plans to gradually expand the number of ON Courts to enhance access to a court. Both litigants and the general public would gain from this reform. It would eliminate the need for them to travel around for various needs and requirements, allowing them to complete tasks from the comfort of their homes. Additionally, it would expedite the handling of cases belonging to different courts. Currently, if a litigant has a hearing scheduled in family court and another hearing scheduled at another court on the same day, it can be extremely difficult to commute, especially in metropolitan cities with increased traffic. However, the idea of the ON court allows them to appear for hearings from their respective offices without the hassles of moving around. This allows them to appear for cases at various courts located in different cities and states. The litigants also have the opportunity to rectify any errors online by resubmitting the entire file, a

¹ The Negotiable Instruments Act 1881, s 138

feature that significantly enhances the learning and efficiency of junior lawyers. There are also prompts and templates that provide guidance and support to junior litigants as they navigate their legal careers, thereby reducing errors. Can also plan the day ahead using smart calendars, respond to applications online, attend high-quality video conferences, track summon status, pre-plan workload, and schedule hearings, etc., to become efficient and organized.

NEED FOR DIGITALIZATION AND 24/7 COURTS

Despite being the most populated country in the world, India has the lowest judges-to-people ratio compared to other countries. The country's judge-population ratio, which is only 20 judges per million people, is not particularly noteworthy. In contrast, other countries have a ratio of 50.70 judges per million people, which is lower than the United Nations' recommended ratio. "The judge-to-population ratio in India is among the lowest in the world. We need simply more judges to adjudicate upon cases, and we are engaging with the government to increase the strength of the judiciary at all levels," the former Chief Justice of India, DY Chandrachud, stated at the Oxford Union. It is also analyzed that there is a 40% vacancy as well in the judiciary due to management inefficiency, which causes recruitment delays leaving about 400 posts vacant in high courts across India and 35% among the lower judicial courts of our country. No concerned actions have been taken to tackle the backlog issues, delayed judicial posting, etc.

Therefore, the possibility of 24/7 courts operating on a shift basis exists, allowing for the addition of more personnel to the judiciary. This would enable the judges to work effectively, avoiding the exhaustion and overburden they currently encounter. Additionally, they would have ample time to thoroughly study each case. We must establish a proper timeline for the appointment of judges, provide recommendations ahead of time, and pre-determine all retirements, among other things. By integrating technology into the legal system, the judiciary can enhance efficiency, transparency, and accessibility. Over 40 million pending cases burden Indian courts. Digitization enables faster processing by automating administrative tasks, streamlining case management, and reducing procedural delays. Online case filing, virtual hearings, and digital evidence submissions make justice accessible to people in remote areas, eliminating the need to travel long distances to courtrooms, thereby improving access to justice. Digital case management systems provide real-time updates on case statuses, ensuring greater transparency and reducing corruption. Litigants can track progress and hold the system accountable as well. Digitization reduces the dependency on physical paperwork, minimizing

storage costs and streamlining operations. Virtual hearings also cut down costs for litigants and legal professionals by avoiding unnecessary travel. AI-driven tools and analytics can aid in legal research, drafting, and prediction of case outcomes, speeding up judicial processes.

The COVID-19 pandemic highlighted the importance of e-courts. Virtual hearings became essential during lockdowns, demonstrating the potential of digitization to maintain judicial functioning during crises and providing adaptability during emergencies. A unified digital platform can bridge the gap between different states and jurisdictions, ensuring consistent processes and records across the judiciary as well. Digitalization will empower India in so many ways, but at the same time, there are also a set of challenges that need to be addressed, like infrastructure gaps, digital literacy, cybersecurity risks, and initial setup costs, etc. Articles such as 38(1)², 41³, 51A(h)⁴, 265⁵ and 300A⁶ could be enhanced with efficiency upon digitization.

CONCLUSION

The launch of Kollam's 24/7 court is a significant moment in India's journey toward judicial reform. By addressing systemic challenges such as case backlogs, accessibility barriers, and inefficiencies, the initiative exemplifies how technology and innovative judicial models can revolutionize justice delivery. The hybrid ON-Court approach—integrating digital tools, reducing dependence on physical appearances, and prioritizing timely resolutions—has the potential to set a national precedent for court modernization.

This project's success could pave the way for similar courts across India, ensuring not only faster justice delivery but also universal accessibility. As the initiative advances, it underscores the pressing necessity for a more comprehensive digitization of the judiciary, along with structural changes to fortify the legal system. While challenges such as resource allocation, digital literacy, and cybersecurity remain, the benefits of such reforms far outweigh the hurdles.

In essence, Kollam's 24/7 court represents a new era of judicial efficiency and inclusivity, reaffirming the principle that justice, to be effective, must be timely and equitable. Articles 14⁷,

² Article 38(1), The Constitution of India

³ Article 41, The Constitution of India

⁴ Article 51A(h), The Constitution of India

⁵ Article 265, The Constitution of India

⁶ Article 300A, The Constitution of India

⁷ Article 14, The Constitution of India

21⁸, and 39A⁹ stand out as the primary constitutional provisions that justify reforms such as 24/7 courts and the digitization of the judiciary. By leveraging these advancements, the judiciary can move closer to the ideals enshrined in the Constitution, ensuring timely and accessible justice for all.

⁸ Article 21, The Constitution of India

⁹ Article 39A, The Constitution of India