Law and Technology

Why in news?

Recently draft vision document of the e-Courts Project has articulated how Covid-19 gives an opportunity to bring change in the justice system.

What are problems in the justice delivery?

1. **Pendency of cases:**

- Despite working overtime and rapidly disposing of cases, courts still have not been able to reverse the trend of increasing pendency.
- According to the National Judicial Data Grid, the pendency of cases waiting to be adjudicated upon is 3,81,44,088 at lower courts, 57,51,173 at high courts, and 67,279 at the Supreme Court.

2. **Cost of litigation:**

- A survey was conducted in 2016 to ascertain the cost borne by individuals on litigation.
- The study states that on average, per day, civil litigants spend Rs 497 for court hearings and incurred a loss of Rs 844 due to loss of pay.
- Criminal litigants spend Rs 542 for court hearings and incurred a cost of Rs 902 due to loss of pay.

3. **Ease of doing business:**

- India was ranked 163rd in 'Enforcing Contracts' in the World Bank's Ease of Doing Business rankings 2020.
- A study was conducted in 2020 that covered about 60 lakh cases in 195 district courts with an extensive sample of 13,928 companies.
- It reports that sales revenue, wage bills and profits are negatively associated with longer average duration for case disposal.
- The paper 'Justice Delayed is Growth Denied: The Effect of Slow Courts on Relationship-Specific Industries in India' finds the effect of speedy justice on the economy.
- It is found that if the fraction of trials resolved in less than one year, it could have led to an extra Rs 5.43 lakh crore in the GDP in 2018.

What does the draft report say?

- The draft has articulated how Covid-19 has brought with it an unprecedented opportunity for change in the justice system.
- It has recognised the potential of technology in accelerating and transforming access to justice.
- It would use data-led analytics to boost processes, simplify procedures for litigants, lawyers and judicial officers with user-centric design principles.
- It aims to augment digital infrastructure with seamless connectivity across prisons, courts, legal aid authorities via open standards and APIs.
- It seeks to build new governance institutions such as the National Judicial Technology Council for augmenting the judicial-tech ecosystem.

What further can be done?

- One, Indian statutes have a legacy of over 150 years, with the Indian Penal Code coming into force in 1862.
- Therefore obsolete statutes which trigger unnecessary litigation need to be eliminated.
- Two, any new law should have a sunset review clause so that after every few years it is reviewed for its relevance in the society.
- Three, non-compliance with certain legal provisions which don't involve mala fide intent can be addressed through monetary compensation rather than prison time.
- Finally, large number of ongoing litigations in the Indian court doesn't require interpretation of the law by a judge but simply adjudication on facts.
- So the route of online dispute resolution (ODR) can be adopted which also has the potential for dispute avoidance by promoting legal education and inducing informed choices.
- It can also help in making use of mediation, conciliation or arbitration and resolving disputes outside the court system.

What can we infer?

- As the Indian economy grows, formalises, digitises, businesses becomes multi-layered, innovative modules will be conceived, transactions will escalate and inevitably disputes will arise.
- Therefore lack of effective mechanism to efficiently resolve disputes hampers entrepreneurial endeavour and suppresses intellectual, social and economic growth.
- It is essential to augment the rate and efficiency of case disposals, ensure

availability of effective dispute resolution mechanisms.

Source: Financial Express

