
AI AND CIVIL PROCEDURAL JUSTICE IN INDIA

Original Research Article | Volume 1 | Issue 3 | 2026 | Article Number: 009

Accepted: 21 July 2026 | Published: 10 August 2026 | ISSN: 2979-8582 (Online)



Crossref : <https://doi.org/10.67693/BJCR-FV4VHPK5>



Dr Ashok Kumar Sharma

Faculty of Law, Meerut College - Chaudhary Charan Singh University, Meerut (Uttar Pradesh), India

 **DAKS** [0009-0004-4053-4725](https://orcid.org/0009-0004-4053-4725)

Correspondence: Dr. Ashok Kumar Sharma, drashoklld@gmail.com

Abstract

Procedural justice, rooted in the principles of fairness, transparency, participation and reasoned decision-making, forms the backbone of the Indian legal system. In an era of mounting pendency, infrastructural constraints and unequal access to legal resources, the integration of Artificial Intelligence (AI) presents transformative possibilities for strengthening procedural justice in India. This paper critically examines the evolving role of AI in judicial administration and court processes, arguing that technology can enhance both efficiency and equity when deployed within a constitutionally grounded framework. AI-driven tools, including intelligent case management systems, automated transcription, legal research algorithms and virtual court platforms, have the potential to reduce delays and streamline procedural compliance. By assisting judges in identifying precedents and managing complex litigation, AI may support reasoned adjudication without displacing judicial discretion. Further, AI-enabled translation technologies can promote linguistic inclusivity in a multilingual society, thereby advancing access to justice under Articles 14 and 21 of the Constitution of India. At the same time, concerns relating to algorithmic bias, opacity in automated systems, data protection and institutional accountability require careful regulatory design. The paper contends that procedural justice in India must remain human-centric, with AI functioning as an assistive mechanism rather than a determinative authority. It concludes that ethically regulated AI, aligned with constitutional morality and the principles of natural justice, can significantly strengthen the justice delivery system in the coming decades.

Keywords: Artificial Intelligence, Procedural Justice, Digital Courts, Algorithmic Transparency

I Introduction

Laws are made in pursuit of justice, which is a tough task to deliver. In a country like India, where filing of cases is at high, backlog thereof makes it more challenging. Many suggestions are proposed by the Law Commission of India in its various reports. Several committees comprising ardent lawyers and wonderful judges suggested coping with the need of the hour, which is access to justice in a responsible, feasible and easy manner. The Courts are full of files. Taking records of these is again a mammoth task. Appointment of Court Managers (MBA from reputed Institutions like IIM and specially trained to cater the need) was suggested to combat the situation in place of peshkar (Court Clerk) who are traditionally since old English times. But still, there is no visible change due to the willpower of the Government, lack of funding, saving independence of the judiciary are some of the patent reasons. Justice is half done when its procedure falls in line. It limits the discretion which might give way to bias¹. There is a difference between mere technicalities and procedure, especially when it comes to statutes made by the legislature of the land and rules framed by the judiciary to serve the very purpose. As it is a settled notion that substantive law is master and procedural law serves for its objective. Without which the former could find difficulty coming into practice. Roads are necessary to traverse but traffic signs, signals and guidelines make the drive smooth and safe, similarly procedure and practice make the delivery of justice speedy, convenient and ensures certainty and predictability. Uniform procedures not only ensure equal litigating opportunity but also promotes non-discriminatory adjudication, limited adjournments and augmented case management. The major procedures for running the courts for civil and criminal matters were The Code of Civil Procedure². Procedural justice forms the backbone of any legal system, for it is through procedure that substantive rights are realised, protected, and enforced. In the Indian context, civil courts and alternative dispute resolution (ADR) mechanisms often struggle with delays, procedural complexities, and high litigation costs. While processual law is designed to ensure fairness, consistency, and due process, its technicalities sometimes become impediments rather than facilitators of justice. It is in this space that Artificial Intelligence (AI) and digital technologies offer a transformative opportunity. AI has the potential to streamline procedural frameworks by automating routine and time-consuming tasks such as case filing, document scrutiny, scheduling, and legal research. Intelligent systems can assist judges and lawyers by organizing case law, identifying precedents, and even predicting procedural bottlenecks. In civil litigation, AI-driven case management systems can reduce adjournments, ensure timely notices, and facilitate efficient tracking of cases. Similarly, in ADR processes such as arbitration and mediation, AI can enable faster resolution through online platforms, intelligent negotiation tools, and data-driven insights. The emergence of online courts and e-filing systems in India marks a significant shift toward accessible and efficient justice delivery. Virtual hearings reduce geographical barriers, cut down travel costs, and enhance convenience for litigants, lawyers, and witnesses. AI-powered translation tools and voice recognition systems can further democratize access by bridging linguistic and technical divides. However, the

¹ Orit Fischman- Affori, "Due Process by Design: Enhancing Fairness and Trust in AI Decision-Making", (2025) Artificial Intelligence and Law.

² It was the first uniform adjective law before which every forum proceeds with its own rules and there was no uniformity, this uniform law was first enacted in 1859(Act VII of 1859) on March 23, 1859. Though initially some courts like the then Supreme Courts and Presidency Small Cause Courts were excluded from its ambit. This vast Act contained 388 Sections divided into 12 Chapters. But soon it was replaced due to its limited extent, by the CPC, 1877 after some reforms it further replaced by the CPC, 1882. Now it is called the Civil Procedure Code, 1908, enacted on March 21, 1908 and came into force in January 1, 1908. It is divided into 11 parts which contains 158 sections. Schedule 1 contains 51 Orders. Each order contains some rules. These orders are amendable with High Courts too apart from the legislatures- the Parliament or State Assemblies. There are eight appendices (from A to H) which provide specimen of important civil documents. These are helpful in ensuring uniformity.

integration of AI must be approached with caution to preserve principles of fairness, transparency, and accountability. Procedural justice is not merely about speed but also about trust in the system. When deployed thoughtfully, AI can reduce procedural burdens, minimize delays, and make justice more affordable and accessible, thereby aligning procedural law more closely with its ultimate goal—the effective realization of substantive justice. AI can certainly smoothen procedure, but in Indian conditions it runs into structural, legal, and ethical limits that are hard to ignore. To begin with, the digital divide remains the most immediate constraint. A large segment of litigants—particularly in rural and semi-urban India—still lack reliable internet access, digital literacy, or even comfort with online interfaces. Procedural justice assumes equal access to the process; if AI-driven systems become the default, they risk excluding precisely those whom the justice system is meant to protect. A second limitation lies in data quality and standardisation. Indian courts generate vast amounts of data, but much of it is unstructured, inconsistent, or not digitised. AI systems depend on clean, well-labelled datasets. When trained on fragmented or biased data, they may replicate existing inefficiencies—such as inconsistent adjournment practices or uneven judicial reasoning—rather than correct them. There is also the serious concern of algorithmic opacity and accountability. Procedural law is built on reasoned decisions and transparency. If AI tools assist in case listing, bail prioritisation, or document scrutiny without clear explainability, it becomes difficult to challenge or audit their outcomes. This raises questions under principles of natural justice, especially the right to be heard and the right to reasoned orders. Further, India’s linguistic and cultural diversity complicates AI deployment. Legal proceedings occur in multiple languages and dialects, and nuance often matters. Even advanced AI systems struggle with context-specific legal interpretation, idiomatic expressions, and local practices, which can affect accuracy in filings, translations, or mediation support. Another limitation is institutional readiness. Courts, bar associations, and administrative staff may resist or struggle to adapt to AI integration due to lack of training, infrastructure, or trust. Procedural reform is not merely technological—it requires behavioural and institutional change, which tends to be gradual. Finally, there are ethical and constitutional concerns. Issues of data privacy (especially in sensitive civil disputes), surveillance risks, and potential over-reliance on automated decision-making may conflict with fundamental rights under the Constitution of India. While AI can enhance procedural efficiency, it cannot substitute the human elements of judgment, discretion, and empathy. In India, its role must remain assistive rather than determinative, carefully calibrated to strengthen—not undermine—the ideals of procedural justice.

II Challenges to AI- Enabled Processual Justice in India

Despite the ambitious framework of the Digital India Mission and the e-Courts Mission Mode Project, the implementation of AI-driven procedural justice in India continues to face structural and institutional challenges. The Supreme Court of India has acknowledged technology as an aid to access justice through initiatives such as SUPACE, SUVAS translation software, and Digital Courts 2.1, yet AI remains largely in a pilot phase because of concerns regarding transparency, privacy, judicial accountability, and algorithmic bias.³ At the High Court level, uneven digitisation, lack of interoperability among court software, and inadequate training of court staff continue to impede uniform implementation. The Vision Document of Phase III of the e-Courts Project itself recognizes the need for an “inclusive, agile and interoperable judicial ecosystem. District Courts and courts of Civil Judge (Senior and Junior Divisions) face more fundamental difficulties such as unstable internet connectivity, shortage of trained technical personnel, dependence on physical files, electricity interruptions, and low digital literacy among litigants and advocates. States such as Kerala, Delhi, Karnataka and Maharashtra have progressed comparatively well

³ E-Committee, Supreme Court of India, *Vision Document Phase III of e-Courts Project*, available at [e-Committee Supreme Court Portal](https://e-committee.supremecourt.gov.in/) (last visited May 24, 2026, 8:37 PM IST).

because of stronger digital infrastructure and proactive High Court administration, whereas Bihar, Uttar Pradesh and several North-Eastern regions require greater infrastructural investment and capacity-building. Revenue courts remain comparatively neglected because land records, mutation proceedings, and quasi-judicial processes are managed through fragmented state-specific portals with little integration. This weakens the possibility of AI-assisted predictive governance and procedural uniformity. The NITI Aayog, in its report *Designing the Future of Dispute Resolution: The ODR Policy Plan for India*, emphasized Online Dispute Resolution (ODR) as an accessible, cost-effective, and citizen-centric mechanism. It recommended AI-enabled negotiation tools, data-driven settlement models, and digital mediation platforms to promote consensual and “win-win” justice outcomes.⁴ Similarly, tribunals such as the Central Administrative Tribunal can substantially reduce pendency through AI-based case triaging, automated cause-lists, intelligent scheduling, hybrid hearings, and digital filing systems. However, technology alone cannot ensure procedural justice unless accompanied by legal training, ethical safeguards, robust cybersecurity, multilingual accessibility, and institutional confidence in AI-assisted adjudication. Further, the role of expert bodies such as the Law Commission of India has consistently underscored the need for procedural simplification alongside technological adoption. In its various reports on judicial reforms and delay reduction, the Commission has cautioned that mere digitisation without procedural rationalisation may only “electronically replicate inefficiencies.”⁵ The E-Committee Supreme Court of India has also highlighted challenges relating to cybersecurity, data localisation, and privacy concerns, particularly in light of increasing digitisation of sensitive court records. The need for secure digital infrastructure becomes critical when AI tools process personal and commercial data.⁶ From a governance perspective, initiatives like National Judicial Data Grid and Interoperable Criminal Justice System (ICJS) aim to create integrated databases, yet challenges of real-time updating, accuracy, and uniform data entry persist.⁷ For ADR, the institutionalisation of AI-backed ODR platforms requires trust-building measures, accreditation of digital mediators, and enforceability clarity under existing laws like the Arbitration and Conciliation Act, 1996. Without these, adoption may remain limited. While policy frameworks are evolving, the transition to AI-enabled procedural justice in India ultimately hinges on harmonising law, technology, and institutional capacity in a balanced and phased manner.

III Reminiscence of Progress of Civil Procedure

The evolution of procedural justice in India reflects a gradual shift from rigid formalism to a more facilitative, access-oriented framework. The Code of Civil Procedure, 1908 (CPC), enacted to consolidate and standardise procedural law across British India, was not the first attempt at codification. Its origins lie in earlier fragmented procedural regimes, including the Civil Procedure Codes of 1859, 1877 and 1882, which were enacted to regulate civil courts under colonial administration but suffered from inconsistencies and interpretative difficulties. The 1908 Code was introduced after extensive deliberation to remove defects, simplify procedure, and ensure uniform applicability across provinces, thereby coming into force on 1 January 1909 as a comprehensive procedural statute⁸. Initially, procedural justice under the CPC emphasised technical compliance—pleadings, limitation, and jurisdiction—often at the cost of substantive

⁴ NITI Aayog, *Designing the Future of Dispute Resolution: The ODR Policy Plan for India*, available at [NITI Aayog ODR Report](#) (last visited May 09, 2026, 5:11 PM IST).

⁵ Law Commission of India, Report No. 245: Arrears and Backlog: Creating Additional Judicial (Wo)manpower, Govt. of India, 2014, available at <https://lawcommissionofindia.nic.in/reports/report245.pdf> (last visited May 14, 2026, 8:48 PM IST).

⁶ E-Committee, Supreme Court of India, Policy and Action Plan Document Phase II of e-Courts Project, available at <https://ecommitteesci.gov.in> (last visited May 11, 2026, 8:50 PM IST).

⁷ National Judicial Data Grid, available at <https://njdg.ecourts.gov.in> (last visited May 24, 2026, 8:52 PM IST).

⁸ Mulla, *The Code of Civil Procedure*, 18th edn., LexisNexis, 2016; C.K. Takwani, *Civil Procedure*, Eastern Book Company, 8th edn., 2017.

justice. Over time, excessive formalism led to delays, multiplicity of proceedings, and procedural abuse. The Law Commission of India repeatedly highlighted these concerns. Notably, its 14th and 77th Reports stressed backlog, adjournments, and inefficiencies in civil courts.⁹ Major amendments—particularly the 1999 and 2002 amendments—sought to introduce case management, restrict adjournments, and encourage alternative mechanisms. The insertion of Section 89 CPC marked a doctrinal shift from adversarial adjudication to consensual dispute resolution. The Supreme Court in *Salem Advocate Bar Association v. Union of India*¹⁰ upheld and operationalised Section 89, emphasising mediation, arbitration, conciliation, and Lok Adalats as integral to procedural justice. The emergence of the Mediation Act, 2023 represents the institutionalisation of mediation as a primary dispute resolution mechanism, recognising the need for cost-effective, participatory, and time-bound justice¹¹. This aligns with global trends and policy recommendations¹². The next major shift is technological. Digitalisation through the eCourts Mission Mode Project, virtual hearings, and AI-assisted tools indicates a transition toward “procedural efficiency with accessibility.” Yet, unlike earlier amendments, this transformation is not merely legislative but systemic—requiring integration of law, technology, and institutional capacity. Procedural justice in India has evolved from fragmented colonial procedures to a unified code, then toward flexibility through ADR, and now toward a digital and AI-enabled future—continuously attempting to reconcile procedural discipline with substantive justice.

IV Amendment Needed

The Code of Civil Procedure, 1908 (CPC) already contains entry points where mediation can be meaningfully integrated, but the Mediation Act, 2023 now provides a coherent statutory foundation to deepen and systematize that integration. The most direct provision is Section 89 CPC, which authorizes courts to refer disputes to arbitration, conciliation, judicial settlement, Lok Adalat, and mediation. This is operationalized through Order X Rules 1A–1C, which mandate the court to direct parties to opt for one of the ADR modes after recording admissions and denials. Further, Order XXXIIA (Family Matters) implicitly encourages settlement, while Section 151 CPC (inherent powers) has been used by courts to facilitate mediation even beyond strict procedural confines¹³. At the High Court level, Mediation Rules framed under Section 89 and Article 227 of the Constitution—such as the Delhi High Court Mediation and Conciliation Rules—have created institutional mediation centers. However, these remain uneven across jurisdictions. The CPC still treats mediation as one among several ADR options, whereas the Mediation Act elevates it into a primary, structured mechanism with enforceability of settlement agreements. There is no explicit incorporation of pre-litigation mediation, online mediation, or AI-assisted processes within CPC text, creating a doctrinal gap.

1. Amend Section 89 CPC

- Make pre-litigation mediation mandatory in specified civil disputes (commercial, property, family).
- Insert reference to the Mediation Act, 2023 for uniform procedure and enforcement.

2. Insert new Order X-A (Pre-Litigation and Digital Mediation)

- Rule 1: Mandatory pre-institution mediation certificate.

⁹ Law Commission of India, 14th Report on Reform of Judicial Administration (1958); 77th Report on Delay and Arrears in Trial Courts (1978).

¹⁰ AIR 2005 SC 3353.

¹¹ Ministry of Law and Justice, *The Mediation Act, 2023*, available at Mediation Act Gazette Notification (last visited May 24, 2026, 9:20 PM IST).

¹² NITI Aayog, *Designing the Future of Dispute Resolution*, available at ODR Policy Plan (last visited May 24, 2026, 9:21 PM IST).

¹³ Mulla, *Code of Civil Procedure*, 18th edn.; *Salem Advocate Bar Association v. Union of India*, (2005) 6 SCC 344.

- Rule 2: Recognition of Online Dispute Resolution (ODR) platforms.
 - Rule 3: Validity of AI-assisted negotiation tools subject to party consent.
3. Amend Order V (Issue and Service of Summons)
 - Permit AI-enabled electronic service and tracking of summons.
 4. Amend Order XI (Discovery and Inspection)
 - Allow AI-assisted document discovery and relevance filtering, subject to judicial supervision.
 5. Appendices Amendment
 - Introduce standard formats for digital mediation agreements and ODR consent forms.

V Proposed skeletal amendment Bill (illustrative)

The Code of Civil Procedure (Amendment) Bill, 2026 (Proposed by the Author of this Research Paper)

- Clause 2: Amend Section 89 to read: “The Court shall, in such manner as may be prescribed under the Mediation Act, 2023, refer parties to mediation, including online and technology-assisted mediation...”
- Clause 3: Insert Order X-A titled “Pre-Litigation and Online Mediation,” mandating mediation prior to filing of specified suits.
- Clause 4: Insert enabling provision recognizing AI tools for case management, scheduling, and preliminary dispute assessment, ensuring transparency and party consent.
- Clause 5: Provide that settlements arrived through AI-assisted mediation platforms shall have the status of a decree when authenticated under the Mediation Act, 2023.

Such amendments would harmonize CPC with contemporary dispute resolution philosophy—reducing adversarial burden, encouraging consensual settlement, and leveraging AI for efficiency. The aim is not to replace judicial discretion but to recalibrate procedure as a facilitative instrument of justice, consistent with the observations of the Law Commission of India on reducing delays and promoting ADR¹⁴.

VI Global Comparative Outlook on AI Driven Procedural Justice

A comparative study of civil procedure in leading democracies reveals a clear trajectory: a movement away from rigid, judge-centric formalism toward flexible, party-oriented, and technology-enabled systems that enhance procedural justice. While the Code of Civil Procedure, 1908 (CPC) laid a strong foundation of uniformity and certainty, other democracies have more rapidly integrated case management, ADR, and digital tools into their procedural frameworks, producing measurable gains in efficiency and accessibility. In the United States, the Federal Rules of Civil Procedure embody a philosophy of “just, speedy, and inexpensive determination of every action” (Rule 1). Judicial case management, extensive pre-trial discovery, and mandatory settlement conferences have significantly reduced trial burdens. Courts actively encourage mediation and negotiation, often making ADR a de facto prerequisite. This proactive procedural design enhances litigant participation and reduces delays¹⁵. The United Kingdom has undergone a similar transformation following the Woolf Reforms, which led to the Civil Procedure Rules, 1998. These rules introduced the “overriding objective” of dealing with cases justly and proportionately, supported by strict judicial control over timelines and costs. Courts routinely impose cost sanctions for unreasonable refusal to

¹⁴ Law Commission, 222nd Report on Need for Justice-dispensation through ADR, 2009.

¹⁵ Stephen C. Yeazell & Joanna C. Schwartz, *Civil Procedure*, Wolters Kluwer, 10th edn.

mediate, thereby embedding ADR into procedural justice¹⁶. In Canada and Australia, procedural systems emphasise proportionality and active case management. Canadian courts have integrated mandatory mediation in several provinces, while Australian civil procedure incorporates pre-action protocols and encourages early settlement. Both jurisdictions increasingly rely on online dispute resolution (ODR) mechanisms, especially for small claims and consumer disputes, reducing the need for formal litigation. The European Union has also advanced procedural justice through directives encouraging mediation and cross-border dispute resolution. The EU Mediation Directive (2008/52/EC) promotes enforceability of mediated settlements and ensures confidentiality, reinforcing trust in ADR mechanisms. A notable feature across these democracies is the integration of digital technology. Online courts in the UK (e.g., HMCTS reforms), e-filing systems in the US, and AI-assisted case triaging in jurisdictions like Estonia demonstrate how procedural justice is being reshaped through technology. These systems reduce transaction costs, enhance transparency, and allow real-time tracking of cases. Compared to these developments, India has begun similar reforms through amendments to CPC, Section 89, and initiatives like the e-Courts Mission Mode Project and the Mediation Act, 2023. However, implementation remains uneven. The comparative experience suggests that procedural justice improves when three elements converge: judicial case management, institutionalised ADR, and technological integration. Democracies that have successfully aligned these elements have reduced pendency, improved litigant satisfaction, and strengthened public trust in the justice system. For India, the lesson is clear—procedural reform must move beyond statutory amendments toward systemic, technology-driven, and user-centric transformation.

VII Conclusion

The trajectory of procedural justice in India, as traced from the consolidation of the Code of Civil Procedure, 1908 to the contemporary emergence of digital courts and AI-enabled systems, reveals a consistent normative aspiration—to align procedural mechanisms with the ends of substantive justice. The Introduction and Abstract of this study underscored the paradox that while procedural law is designed to facilitate justice, its technical rigidity has often impeded timely and effective adjudication. The analysis undertaken herein demonstrates that successive reforms, whether through statutory amendments, judicial interpretation, or institutional innovations, have sought to resolve this tension by recalibrating procedure as an instrument of access rather than obstruction. Historically, the CPC provided a uniform and predictable framework essential for the administration of justice across a diverse legal landscape. However, as highlighted by the Law Commission of India, procedural delays, docket explosion, and adversarial excesses necessitated structural reforms. The incorporation of Section 89 CPC and the subsequent development of ADR mechanisms marked a paradigmatic shift toward participatory and consensual justice, a trend further institutionalised by the Mediation Act, 2023. In parallel, comparative experiences from leading democracies demonstrate that procedural justice is most effective when supported by active case management, institutionalised ADR, and technological integration. India's adoption of the e-Courts Mission Mode Project and policy frameworks such as NITI Aayog's ODR Plan reflect an acknowledgment of this global shift. Though the research also establishes that technological adoption, particularly AI, is not a panacea. Its effectiveness is contingent upon addressing structural inequalities, ensuring data integrity, safeguarding privacy, and preserving the principles of natural justice. The challenge, therefore, lies not merely in digitising procedure but in reimagining it as an inclusive, transparent, and accountable process. In conclusion, the future of procedural justice in India lies in a calibrated synthesis of law, technology, and institutional reform. AI and digital courts, if embedded within a robust normative framework and harmonised with the CPC and mediation law, can significantly reduce cost, delay, and complexity. However, the ultimate test remains whether such innovations enhance the lived experience of justice for

¹⁶ Lord Woolf, Access to Justice Report, 1996; Civil Procedure Rules, 1998.

litigants. Procedural law must continue to evolve—not as an end in itself, but as a dynamic means to secure substantive justice in a rapidly transforming legal order.



©2026 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY) license (<https://creativecommons.org/licenses/by-nc-sa/4.0/>).