
JUSTICE AFTER SUNSET: EXAMINING THE VIABILITY OF NIGHT COURTS IN INDIA

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ABSTRACT

India's judicial system continues to face an unprecedented backlog of cases, raising serious concerns about access to justice and the constitutional guarantee of a speedy trial under Article 21. While multiple reform measures have been introduced, delays remain deeply entrenched, particularly at the district and subordinate court levels. This article examines the concept of night courts as a supplementary judicial reform aimed at addressing systemic inefficiencies through extended court hours.

The paper analyses the legal and institutional framework governing night courts, evaluates existing pilot initiatives in India, and undertakes a comparative study of night court models in jurisdictions such as the United States, Singapore, and Jamaica. It further assesses the practical benefits and challenges associated with operating courts beyond traditional working hours, including issues of judicial workload, infrastructure, security, and quality of adjudication.

Drawing from global practices and India's ground realities, the article proposes a structured and selective model for implementing night courts in India. It argues that night courts, if confined to specific categories of cases such as arraignments, summary offences, and low-value civil disputes, and staffed independently of regular court rosters, can meaningfully enhance efficiency without compromising judicial standards. The article concludes that night courts should be viewed not as a parallel justice system, but as a targeted, constitutionally aligned mechanism to strengthen timely access to justice in India.

Introduction

India takes pride in its constitution, which is widely regarded as the most comprehensive and well-written among all nations. One of the most notable features of the constitution is the power and functions it confers on the country's judiciary, allowing it to provide equal and speedy justice as guaranteed by the constitution's fundamental rights. The reality of these expectations set by the founders of the constitution is proving to be quite the opposite. According to data from the National Judicial Data Grid (NJDG), India's justice system has an unparalleled backlog of cases, with around 50 million cases pending in various courts.¹

These backlogs of cases can be traced to several sources, including:

- *Judicial Vacancies and Low Judge-Population Ratio:* India having just 21 judges per million citizens, which is significantly lower than countries such as the US (107) and UK (51). With over 400 vacancies in the High Court and over 5,000 in the lower courts, case disposal rates are severely limited.
- *Inefficiencies in the procedure:* Hearings are delayed because of lengthy oral arguments, frequent adjournments, and obsolete procedural laws. A lack of set timeframes fosters a culture of postponement.
- *Government is the largest litigant:* Nearly half of all lawsuits involve government entities in conflicts over taxes, services, or land, further cluttering the courts.
- *Infrastructure & Digital Divide:* Many courts, particularly in rural regions, lack basic facilities and digital infrastructure, limiting case administration and e-filing operations.²

The impact of delayed justice is that it violates the right to speedy justice guaranteed by Article 21 of the Constitution. It takes decades for civil lawsuits to reach a final decision, which impairs the rights of litigants, and even prevents many from ever obtaining justice in their lifetime. In criminal trials, the innocent may have to wait years to be found not guilty of crimes they did not commit. The public's trust in the nation's legal system is directly impacted by this, while also affecting the nation's financial resources because the government makes accommodations

¹ <https://njdg.ecourts.gov.in>

² <https://thelegalcatalyst.in/>

for a variety of resources while these cases are pending.

The government has implemented a number of initiatives, including the establishment of Alternative Dispute Resolution (ADR) procedures, to address this significant problem. Further in order to lessen the load on higher courts, petty offences and grievances are settled during Lok Adalats, which are scheduled for a certain time each year. Another effective idea is the night courts, which is relevantly less prevalent in India than in nations around the world.

The Concept of Night Court

Night court refers to judicial hearings that take place in the evening or late at night, as opposed to the traditional 9-to-5 court schedule. This program arose in response to the need for expedited due process, guaranteeing that those apprehended by law enforcement are brought before a magistrate within a specified timeframe, which normally ranges from twenty-four to forty-eight hours.³ It is not an independent judicial system, but rather an extension of existing local, criminal, and traffic courts. Procedures, rules of evidence, and legal standards used in night court are the same as those used during regular hours; the only difference is the time of day these sessions are held.

Night courts have become crucial in countries with significant caseloads during regular hours, allowing the justice system to function constantly while adhering to legal requirements. Night courts help to manage large caseloads and improve judicial efficiency. Courts can process a greater amount of proceedings, particularly preliminary criminal matters such as arraignments, by extending operational hours, hence reducing backlogs. This ongoing operation reduces the amount of time people spend in detention while awaiting their first court appearance, thereby upholding the principle of due process.⁴

Existing Experiments of Night Courts in India

Although night courts are not widely used in India, certain states have tried with the setup on a pilot basis. Gujarat comes up as a successful example. Night courts are operating in cities such as Ahmedabad and Surat, where they primarily deal with traffic offenses, minor criminal offences, and municipal affairs. These courts have recorded high disposal rates and have proven

³ <https://www.ebsco.com/>

⁴ <https://legalclarity.org/>

especially useful for working folks who are unavailable to be present for court proceedings throughout the day.⁵ Delhi has also sought to establish night courts in select districts; however, the implementation has been hampered by security concerns, a lack of judicial staff, and poor communication with police officials.⁶ In Maharashtra, the notion has been explored in a limited way through evening courts and Lok Adalat-style sittings, but a formal night court system has yet to be established.

Earlier this year, the Union Law Ministry announced plans to introduce 785 evening courts in existing courthouses during regular hours in an effort to alleviate the large backlog of cases that is clogging district courts around the country. These courts would handle small criminal cases, summary trials, property disputes of lesser value, and cheque dishonour charges punishable by up to three years in prison. The notice stated that on working days, the evening courts would operate from 5 to 9 p.m. They will maximise the usage of court facilities that are inadequately utilised after regular court hours by operating with the current court infrastructure. The ministry plans to hire retired district judges who have reached superannuation within the last three years to staff these courts.⁷ The ministry has not yet set an official timetable for the implementation of these courts, so it remains to be seen whether it will go into force and, if so, whether it would have the expected influence on the judicial overload.

Night Courts Around the Globe

- *USA*: While New York City runs night courts, dozens of other jurisdictions nationwide also hold civil or criminal court proceedings in the evening, such as Nashville, Tennessee and more. Some of these courts used to operate from 1 to 8 am, however as of 2013, their working hours are from 5 p.m. to 1 a.m. after midnight. The primary matter which is dealt with in these courts are arraignments. According to a former assistant prosecutor in New York who worked on cases concerning human trafficking and corruption, criminal night court sessions are only used for preliminary court proceedings such as arraignments, in which people who have been arrested hear their charges and enter a plea. During arraignment, important decisions might be made, such as whether orders of protection will be granted or if a defendant will remain in custody. Night court ensures that defendants in criminal cases are arraigned in a timely manner,

⁵ <https://lawchakra.in/>

⁶ <https://timesofindia.indiatimes.com/>

⁷ <https://www.hindustantimes.com/>

in accordance with their Sixth Amendment right to a speedy trial. Looking elsewhere, California is one of the only states that offers night court hearings for traffic violations for persons whose work schedules prevent them from contesting their tickets during the day. In Manhattan, evening minor claims court proceedings last from 6 p.m. till midnight. Furthermore, defendants in Los Angeles County courthouses can online seek an a.m. or p.m. court hearing.⁸

- *Singapore*: Night Courts in Singapore are not a separate division or type of court, but rather hearings held after the typical working hours of ordinary morning courts. These courts usually operate from 6 p.m. on Mondays through Thursdays.⁹ The Night Courts will handle criminal proceedings involving regulatory or minor traffic offences. In Singapore, the Night Courts operate in the evening to accommodate those accused who can only attend to their proceedings after business hours. A Notice to Attend Court (Notice) or Summons is typically issued by the authorities to initiate proceedings for minor traffic and regulatory infractions. If a notice or summons is received, it will specify the court you must appear in, along with the date and time of the Mention. Failure to attend the proceedings may lead to the Court issuing a Warrant of Arrest, and in some cases may even lead to suspension of driving licenses. Notice to Attend Court, Summons, Bail Bond, or any other relevant paperwork must be bought in order to appear in court at night. Cases that started in a night court may be transferred later to a Pre-Trial conference or the General Mentions Court, which are held during regular business hours.¹⁰
- *Jamaica*: In December 2022, Kingston's Corporate Area Traffic Court started holding Saturday and night court sessions to assist drivers in settling unpaid traffic penalties and lessen the increasing number of cases. To effectively handle the backlog, the night courts were planned for Monday through Thursday evenings with extra Saturday sittings. As part of a special initiative to resolve nearly 400,000 unpaid traffic citations, these night and Saturday sittings were enlarged and resumed in March 2023. Several judges were appointed to sit beyond regular business hours and on weekends.¹¹ Early in January 2024, Chief Justice Bryan Sykes of Jamaica acknowledged that night court

⁸ <https://www.aetv.com/>

⁹ <https://www.judiciary.gov.sg/>

¹⁰ <https://www.thesingaporelawyer.com/>

¹¹ <https://www.jamaicaobserver.com/>

sessions, in which judges and court employees participate after regular business hours, have improved the resolution of traffic cases and helped reduce the backlog. Authorities reported in December 2025 that parish courts continue to deploy extended sittings and night court facilities to address large backlogs of traffic cases, with coordinated efforts backed by the Court Administration Division and enhanced judicial engagement.¹²

Benefits & Challenges of Operating Night Courts

Having night courts as an extension of conventional daily working courts provides several benefits for the country's judiciary, including reducing the strain on the courts, resolving minor offences promptly, and effectively utilising the courts' resources, among others. However, when evaluating its benefits, it's also critical to evaluate its drawbacks, such as inadequate security and the court employees' excessive workload, among other issues. Let's examine the benefits and drawbacks of the night court system from the perspective of these courts worldwide.

Benefits:

1. *Reducing case backlog*- One of the most frequently mentioned advantages is that night courts reduce backlogs in overcrowded court systems by processing more cases by extending their operating hours. Manhattan's night court, for instance, hears between 70 and 90 cases every night, assisting in the management of heavy city caseloads that daytime hours alone are unable to handle.¹³
2. *Better Justice Access*- Litigants who are unable to attend during regular office hours can more easily access the legal system thanks to extended and late hours. Over 2,000 civil cases were settled by Beijing's evening courts, giving working people access to the legal system.¹⁴
3. *Effective Utilisation of Current Infrastructure*: Rather than constructing new courts, night courts can make better use of already-existing courtrooms and resources, saving money on infrastructure. Research on night operations, such as the drug night court in

¹² <https://jamaica-gleaner.com/>

¹³ <https://www.ncsc.org/>

¹⁴ <https://www.chinadaily.com.cn/>

Cook County, emphasises this advantage.¹⁵

4. *Quicker First Appearances and Due Process*: Night courts assist protect due process rights and cut down on needless detention time in criminal justice settings by ensuring that arrestees are presented before judges within the requisite legal timetables (e.g., within 24–48 hours).¹⁶
5. *Expert Case Management*: Certain jurisdictions use night courts for certain kinds of cases that may be resolved quickly, such as drug cases in Cook County. This expedites processing without interfering with lengthy trials.¹⁷

Challenges:

1. *Staffing and Resource Limitations*: Additional personnel, security, and administrative assistance are needed to run courts after hours, which can put a strain on the judiciary's limited resources. Maintaining sufficient manpower for night operations is a challenge for many municipalities.
2. *Logistical and Security Concerns*: Additional security measures for court buildings, employees, and litigants are necessary while holding night sessions. Because facilities and support departments need to be open later, this increases expenses and organisational complexity.
3. *Issues with the Standard of Justice*: Opponents contend that long hours could result in judge tiredness, which, if improperly managed, could compromise the impartiality and quality of decision-making. This was observed in assessments of night courts where problems with efficiency and morale emerged.¹⁸
4. *Insufficient Community Involvement or Public Support*: Due to a lack of consultation, certain communities have opposed night court proposals (such as Ghana's evening sessions), which might impede their successful implementation and bar associations' or

¹⁵ <https://www.ojp.gov/>

¹⁶ <https://www.ebsco.com/>

¹⁷ <https://www.ojp.gov/>

¹⁸ <https://www.ojp.gov/>

attorneys' support.¹⁹

5. Not a Universal Solution: Night courts must be combined with more comprehensive reforms in order to address deeper systemic issues such as personnel shortages, inadequate case management, and structural inefficiencies in the judiciary. (This conclusion is further supported by general judicial reform literature on backlog.)²⁰

Way Forward: A Pragmatic Model for Night Courts in India

In India, the introduction of night courts should begin as a pilot project in major metropolitan and high-pendency cities where the judicial workload is the heaviest. A phased and region-specific implementation would allow policymakers to assess feasibility, efficiency, and public response before any nationwide expansion.

The jurisdiction of such night courts should be limited and clearly defined. These courts may deal with select civil matters and minor criminal or summary offences that do not involve complex questions of law or fact. While traffic violations are often included within the scope of night courts in other jurisdictions, their effectiveness in the Indian context remains limited, as a significant number of violators do not actively pursue the resolution of such cases. Therefore, excessive reliance on traffic cases alone may not yield meaningful reductions in pendency.

A more effective use of night courts would be to cover arraignments and first-appearance proceedings of arrested persons. Prompt production before a judicial authority is a fundamental principle of natural justice and an essential safeguard of personal liberty. Night courts can ensure timely judicial scrutiny of arrests, thereby reducing unnecessary detention and reinforcing constitutional protections. Additionally, cases where urgent judicial intervention is required to preserve the rights of parties, such as time-sensitive applications or interim relief matters, may also be entrusted to these courts.

Certain low-value or minimal civil disputes may likewise fall within the jurisdiction of night courts. Early disposal of such matters would save time and resources for both litigants and the judiciary, preventing cases from being unnecessarily prolonged through regular court

¹⁹ <https://www.theafricareport.com/>

²⁰ <https://kashmirreader.com/>

schedules.

From an institutional perspective, night courts may be introduced in the form of specialised tribunals or designated courts with concurrent jurisdiction over specific categories of cases. These courts could be established by the Central or State Governments in coordination with the respective High Courts. Importantly, the judges and supporting staff assigned to night courts should function independently of regular court rosters, either through rotational appointments or separate postings. This approach would mitigate concerns of judicial overwork, fatigue, and compromise in the quality of adjudication.

If implemented selectively, staffed adequately, and supported by clear jurisdictional boundaries, night courts can serve as a supplementary mechanism rather than a parallel judiciary, contributing meaningfully to the goal of timely and accessible justice in India.

Conclusion

The persistent backlog of cases in India's judicial system poses a direct challenge to the constitutional promise of timely and effective justice. Despite multiple reform initiatives, delays continue to undermine public confidence, individual liberty, and the rule of law. In this context, night courts emerge not as a radical departure from the existing system, but as a measured and pragmatic extension of judicial functioning aimed at addressing structural inefficiencies.

Comparative experiences from jurisdictions such as the United States, Singapore, and Jamaica demonstrate that extended court hours, when carefully designed, can significantly improve access to justice, ensure prompt judicial oversight of arrests, and reduce pressure on regular court schedules. These examples also caution that night courts are not a universal remedy and must be implemented selectively, with due regard to institutional capacity, security, and judicial well-being.

For India, the success of night courts lies in strategic deployment rather than blanket adoption. Limiting their jurisdiction to arraignments, summary offences, and low-value civil disputes, while staffing them independently of regular courts, can help achieve efficiency without compromising the quality of adjudication. When aligned with constitutional mandates under Articles 21 and 39A, night courts can strengthen the principles of natural justice and personal

liberty by ensuring timely judicial intervention where it is most critical.

Ultimately, night courts should be viewed as a supplementary reform, complementing broader measures such as increased judicial appointments, procedural streamlining, and technological integration. If implemented with clarity, accountability, and institutional support, night courts have the potential to transform idle judicial hours into meaningful access to justice bringing India closer to the constitutional ideal that justice must not only be done, but must be done without delay, even after sunset.