



# LAW MANTRA THINK BEYOND OTHERS

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## WILL VIRTUAL COURTS SYSTEM ENSURE JUSTICE AMID PANDEMIC? \*

### VIRTUAL COURTS

A legal place that can be made available electronically. It enables lawyers & judges to meet virtually & discuss the listed part of the cases or suit in more efficient and suitable way. A simplified courtroom is a place where outside information gathered by lawyers is presented, argued considering facts and situation, further results in determination of verdict.

We are living in an era that is nearly dependent on technology & computers. We collect most of our information through social media platforms, applications etc., moreover we are so much relied on these things that we don't even think of reading newspapers, books, magazines etc.

Looking upon the above pretext, the legal system in our country can also be made virtual and the most important point that is favoring it is "time saving".

### MISSION MODE PROJECT (MMP),

Efforts of making the legal system virtual has been laid down back in year 1990, when the government launched "Mission Mode Project" an initiative under national e- governance plan. This project comprises of 31 different aspects under which comes a name called as e- courts, being a part of integrated MMP, means the state as well as Centre will improvise on this accordingly.

### E – COURTS

Indian legal system that is being trusted as one of the most efficient and reliable system within the world is still running on manual system. At subordinate level one needs to approach the courts personally to get their point being placed in front of it under most of the circumstances through applications, witnesses, arguments etc.

Our system marked the remarkable step in year 2007, when it started the first phase towards the electronic courts. Staffs are being trained for the use of central information system and the data entry system reached the advanced stage. Project received the approval of Hon'ble

Chief Justice of India on 8<sup>th</sup> Jan 2014 and government of India officially sanctioned it on 4<sup>th</sup> Aug 2015.

This remarkable project, which was dreamed back in year 1990, officially stepped in Indian legal system on 7<sup>th</sup> Aug 2013, when the Chief Justice of India launched e – courts national portal i.e. [ecourts.gov.in](http://ecourts.gov.in).

Transformation: -

The implementation of e – courts in year 2013, marked a revolutionary step towards the establishment of virtual courts in the Indian legal system. It makes easier for the litigants to get their case details in one click. It becomes more efficient got them to fetch orders, dates on a real time basis. This also helped lawyers to trace valuable details of cases important to them.

We understand that there are still challenges that needs to be curtailed before establishing this virtual system, but on the contrary we also needs to interpret that we are living and approaching towards an era that will be more relied on technology instead of doing their work manually.

The establishment of this virtual system will not only make the things easier for everyone but can also reduce the burden of pending cases that has raised to around 1.5 lakhs in Union Judiciary and around 44 lakhs in different high courts as per the statistics on 1<sup>st</sup> June 2020.

We usually states the very known proverb that “Justice delayed is justice denied”, hence, time has come to implement a process that can make things get going in a way that no one should mark critics on point that Indian legal system is not competent enough to deliver justice on time and this can be made possible through the virtual system.

The current worldwide situation of COVID – 19 pandemics has initially started this process being followed by the union judiciary along with the different high courts of India. Although one of the eminent judge of the Union Judiciary justice D.Y. Chandrachud<sup>1</sup> said virtual courts cannot replace the open courts hearing but also emphasized that reliance on technology would continue to play a major role in speeding up justice. In a webinar with students of NALSAR University, Hyderabad, he said,” What I perceive for future is a healthy mixture of hearings in open courts and virtual courts. Virtual courts must be encouraged in areas they are suited to. And we must necessarily have open courts hearings which really constitute the spine of our system.

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<sup>1</sup> Virtual courts cannot replace open court hearing: Justice Chandrachud, *available at*: [http://timesofindia.india.com/articleshow/75961020.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.india.com/articleshow/75961020.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst) (Visited on June 20, 2020.)

## FOREIGN ASPECT

Foreign countries like United States of America, United Kingdom, and Russia etc are using virtual system for their court proceedings from way back. Taking into consideration point of being a developed nation, these facilities are going good even though they are in limited areas.

For the United States, they have CCTV cameras at every traffic signal, once you cross red light or break any rules, you will receive an email popup with description of overall incident along with fine that has been charged. You can pay that through online mode instantly or can approach the appropriate court for any concerns. Indian legal system has also started this approach in year 2019, when on 26, July 2019, the Delhi District courts established the first virtual court in the country under the guidance of eCommittee, Supreme Court of India, Delhi High Court and I. T Committee.

These virtual courts dealt digitally with “on – spot traffic challan” generated by the Delhi Traffic Police via the E – Challan<sup>2</sup> application developed by the NIC. The initiative has been successful in as much as the virtual court has disposed of as on 7.05.2020, 730789 challans resulting in the online collection of fine amounting to Rs. 89,41,67, 812.

Within the statement quoted by Judge Campbell<sup>3</sup> Senior Judge, United States District Court for the district of Arizona on behalf of Judicial Conference of the United States, Before the Sub Committee on courts, `Intellectual Property and the internet of the committee on the judiciary United States House of Representatives provided with the measures taken by the Administrative office of U.S. Courts. Some of them are as below,

- The inter-governmental Federal Judiciary COVID-19 Task Force, created in February, greatly facilitated the Judiciary’s rapid response to the pandemic. The task force continues to monitor and assess the impact of the virus on court operations nationally and to provide advice on emerging issues. It is comprised of chief judges and court executives, AO staff, and representatives from the General Services Administration, the U.S. Marshals Service, the Federal Protective Service, and the U.S. Attorney’s Office.
- The Judiciary greatly expanded its use of technology, including temporarily authorizing the use of video and teleconferencing technologies, increasing capacity to handle bandwidth

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<sup>2</sup> Delhi HC to inaugurate two more virtual courts for dealing with on-spot traffic challans, *available at:* <https://www.aninews.in/news/national/general-news/delhi-hc-to-inaugurate-two-more-virtual-courts-for-dealing-with-on-spot-traffic-challans20200512232728/> (Visited on June 21, 2020.)

<sup>3</sup> Judge Testifies at House Hearing on Pandemic Impacts , *available at:* <https://www.uscourts.gov/news /2020/06/25/judge-testifies-house-hearing-pandemic-impacts> (Visited on June 24, 2020.)

strains, obtaining the necessary equipment and licenses for certain platforms, providing the public and the media access to listen to proceedings, and strengthening its IT infrastructure to address the greater use of telework.

## **CONCLUSION:**

The current worldwide situation has given us a picture that dream that was sought way back can now be achieved in the Indian legal system. This virtual system will not only deliver justice but also speed up the process of delivering the same. This will also act as a boon to lower down the number of pending cases.

We just need to have a positive approach on implementing this system slowly within the Indian legal system and needs to tackle down the challenges that will come across during the initial days. Last but not the least as we have become adaptive towards the way of information on fingertips lets pledge to make this one pillar of democracy same.

