



Short Article

## Virtual Courts and Access to Justice

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**Abstract:** *Virtual Courts are courts working on e-platform over the internet providing access to people from their own place. It is an emerging concept with an increase in the use of technology. The main objective of the article is to focus on the use of Virtual Court, especially in the present time. Courts are there for providing justice to the people and when these courts have wide reach with the help of technology it helps in making a wide reach of access to justice to people who otherwise would be left out. One major problem judiciary face is a delay in justice that can also be overcome by the use of e-courts and its services at any place. In the following article, we will be discussing the past of virtual courts and also increasing the role of the virtual court in the present era. It has become an important part at the time of COVID-19. We will be discussing different developments in the area of digitization of courts and its proceedings. The number of online court services provided that are making its process easy and fast is also been focused upon. The future goals of virtual courts are also being discussed. There are different aspects of how virtual courts are useful in the present time and change it will make in future functioning of courts are also been discussed in the article. It will provide readers with an overview of how virtual courts are functioning what has been achieved and things that have to be taken as challenges to it. It will provide an overall view of virtual courts functioning and how it enables access to justice to people.*

**Keywords:** *Virtual Court, Justice.*

## Introduction

Virtual courts are courts that are working through internet network by using different modern technology-based devices and software. Using technology in court proceedings is a new aspect. This using of technology for court proceedings has its own advantages and disadvantages to be dealt with further. Several steps are being taken for transforming the procedure of physical courts to an e-platform. Courts are basically a means for providing and ensuring justice to the people and when this justice is delivered using technology the simple point arises is that, whether is it ensuring justice or whether people are having access to justice with this new approach and change.

The first virtual court was established at the Delhi District Courts on July 26, 2019, under the aegis of the E- Committee of Apex Court and the I. T. Committee of Delhi High Court. It was e-inaugurated via webinar by Apex Court Judge and Chairman of E- Committee of Apex Court Justice D. Y. Chandrachud along with Chief Justice and other judges of Delhi High Court.<sup>1</sup> These courts are basically made for e-challan to be done spontaneously by the Delhi Traffic Police and this up till now has reaped out a great result and helping in making the process easier and faster. Some other facilities that are provided using technology as a means include e-filing of cases using online portals, providing summons online to the parties and use of digital signature are widely accepted by courts.<sup>2</sup>

Day by day a lot of efforts are being made to ensure widespread use of virtual courts especially in the present time where the country is facing a pandemic COVID-19 and all the institutions are locked and working is hampered. But courts cannot stop working and if it happens it will lead to harm to people and will infringe their right to access to justice. The number of criminal cases pending in the court is much higher than civil ones. So, if in this scenario courts are closed a lot of bail applications will be left out pending and there are different other proceedings of courts

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<sup>1</sup> 'This HC to inaugurate 2 more Virtual Courts for dealing with on-spot Traffic Challans', LATEST LAW (March 09, 2021, 07:32 PM) <https://www.latestlaws.com/latest-news/this-hc-to-inaugurate-2-more-virtual-courts-for-dealing-with-on-spot-traffic-challans/>.

<sup>2</sup> IANS, Online courts will be new way of conducting court sessions in India amid Coronavirus, INDIA TV (March 10, 2021, 02:33 AM) <https://www.indiatvnews.com/technology/news-virtual-courts-are-new-courts-amid-coronavirus-pandemic-in-india-see-details-617654>.

and hindrance in performing them would cause a problem to the people. So, in present times also virtual courts are playing a vital role in access to justice and are having a great future ahead.

The need of e-courts arises because there was a lack of transparency, no perfect data of the number of cases pending in the courts. An e-committee was made regarding this issue and Chief Justice of India appoint a Supreme Judge as its head. Justice D.Y. Chandrachud is presently heading the committee. It was started in 3 phases. In this 1<sup>st</sup> phase, only Video Conferencing for the hearing of cases was started. The documents were started uploading on the online platform but were not accessible to the public at large. Then further developments were done in this regard. Now judgment, court order, case details etc. are available on an online platform.

### **Advantages of Virtual Courts**

The use of virtual courts is extending day by day and this is providing certain different kinds to advantages to the system some of them are as follows:

- **Easy filing:** The use of technology is enabling the advocates to file the case at an ease by using the online platform at their place and reducing the need to physically moving courts for filing. During the present time, the Supreme Court has issued proper guide of easy online filing of cases and is doing more efforts to promote the use of it by making people at Bar and in the system (judicial officers) aware of the process and easy access to it. This process is helping more people access to courts at ease and thus ensuring more justice to them.
- **Quick Response:** As different procedures of the courts are being tried to be equipped with the technology it is helping in transferring data to different platforms at a very instance and getting things done faster will help in reducing pendency of the cases and early disposal of them and timely delivering of justice. Using virtual technology different departments can be contacted easily and instantly and thus ensuring the functioning of the courts faster.
- **Wide Reach:** The reach of technology nowadays is easily spreading widely and having courts on with the use of technology will be made their access wider and to a vast number of people. As technology spreads access to people to virtual courts also increase and thus increasing the access of people to justice. It is also helping advocates to access different documents at their place and all times of the day so ultimately reducing the crowd at the

court premises and removing the bar of time restraint to them. They can access things as and when needed to them. And thus, in this way also making a wide reach of courts to the people at Bar.

These are some of the advantages of virtual courts that can benefit the people and functioning of the courts.

## **Challenges to the Virtual Courts**

There are a number of challenges that a virtual court system has to face. Though there are advantages of it, the other side of the coin is a lot of challenges that are being faced. There are a lot of efforts made to overcome these challenges but there is a need to do a lot more for establishing a well efficient virtual courts system. Some of the challenges that have to be addressed are as follows:

- **Lack of proper Internet connectivity:** This is one of the major problems that area to be faced while using technology. As India is a big country and there is a need for lot of infrastructure for establishing proper connectivity in the country. There are still many areas where the connectivity of the internet it is not proper or there is no access to the internet. It is very difficult to access the virtual courts to that part of the country. There is also a hindrance of Internet access in some areas of North Eastern states like Jammu and Kashmir where for security reasons internet services are stopped for months. Due to poor internet access in these parts, carrying out a virtual court system is a herculean task. Though the Supreme Court is looking into this matter and doing efforts to provide proper access to the internet to them also.
- **Lack of knowledge of the use of the system:** It is observed that people both at bar and bench are facing problem in using virtual court system they are not trained, or they are not having proper knowledge of using such e-platforms. Many senior advocates and even judges are not well versed or familiar with this system. So, efforts are required to provide people with complete knowledge about the new system.
- **Lack of code of conduct during court proceedings:** As virtual courts are in use in present time lot of problem-related to code of conduct of lawyers during the preceding are

being noticed. There are instances where advocate while pleading before the bench of Rajasthan High Court, Jaipur was not in proper uniform he was just in sitting in vest<sup>3</sup>. Another instance where proceeding of the Supreme Court was going on and the advocate was found lying on the bed in t-shirt<sup>4</sup> during the proceeding. Here judges remarked that advocates during the virtual hearing should be in a presentable manner and should follow minimum court etiquette in terms of what is the decent dress, background etc. So, there is a need for an established court of conduct for e-proceedings as they are for a physical one.

- **Lack of privacy:** One of the major threats which the technology is prone to be the cyber threat. It is seen that many platforms are been hacked by professional hackers and some information that is private is being accessed by them and can be misused. There are certain types of proceedings where privacy is a great concern where parties did not want to disclose their matters in public like a trial of matrimonial disputes cases, child sex abuse, rape cases and some other. In these cases, to maintain privacy is a big challenge especially when trials are conducted at online platforms. This is also a challenge that has to be addressed as the right to privacy a fundamental right of people cannot be infringed.

So, these are the major challenges for which solutions are needed and different courts committees are actively paving a path towards it.

## Online Court Services

There is a number for services of courts that are available on an online platform. They are:

- **E-Court Website-** There are websites of different High Courts, District Court and Supreme Court providing information about the court, its judges, judgments, and working of the court like display board updates etc.

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<sup>3</sup> Dev Ankur, 'Rajasthan High Court adjourns matter after lawyer appears in vest during video conference', INDIA TODAY (March 17, 2021, 01:04 AM) <https://www.indiatoday.in/trending-news/story/rajasthan-high-court-adjourns-matter-after-lawyer-appears-in-vest-during-video-conference-1671002-2020-04-25>.

<sup>4</sup> PTI, 'Lawyer appears in virtual hearing while lying on bed; SC says minimum court etiquette be followed', TIMES OF INDIA (March 24, 2021, 12:17 PM) <https://timesofindia.indiatimes.com/india/lawyer-appears-in-virtual-hearing-while-lying-on-bed-sc-says-minimum-court-etiquette-be-followed/articleshow/76479366.cms>.

- **NJDG (National Judicial Data Grid)**- Portal for this service is njdg.ecourts.gov.in. it provides case information statistics. It helps in enabling transparency in the tracking of pendency of case statistics. Data from all District and Subordinate Courts and from High Courts is available on the grid. It serves as a national judicial data warehouse that may be used to drive policymaking and decision support.
- **SMS/ Email Services (Registration required in Court Services)**- The updates of the case are provided to the parties on the registered mail id and mobile number. For getting updates of the case through email and messages, a text E-COURTS (space) (YOUR CNR Number) is to be done at 9766899899. For this service, your details should be available at the portal.
- **E-payments**-This services help in paying court fees and other charges at the online portal at an ease.
- **NSTEP**- This is an application-based service provides services to respondent and petitioner. In this, if any document is to be submitted like summon given then as a proof of its photo and signature and location of the person is uploaded on the application.
- **Virtual Courts**- These are courts set up where proceedings are done at online platform and are accessible to wide places. Different virtual courts are set up for making proceedings of the court easy.
- **E- Seva Kendra**- These were step up for making the official working of courts online. So that easy access is provided.
- **Kiosks**: These are electronic machines installed in the court premises so that information can be easily accessed.
- **E-filing**: This facility helps in digitalisation of filing of cases on an online platform. It helps in providing services of Registry of Court at e-platform.
- **Mobile Application**: A mobile application is there providing services like finding case orders and judgments, looking status of the case and next date of hearing. It also provides the facility of case diary where an advocate can keep his records of the cases. Different law

bare acts can also be accessed. Other services like display board, cause list etc are also provided.

So, these are some of the online services provided to make the working of the court easier and convenient. Till now all the services are not provided in all the High Courts but attempts are going on to provide most of the services to a number of people and very soon with the great efforts all services would be available at different platforms.

## **Conclusion**

From the above insights to different aspects of virtual courts can be taken. It has its own advantages and disadvantages as discussed above. But virtual courts need in the present era of technology. The establishment of virtual courts reflects the progress of the Indian judiciary system. It helps in making system transparent, efficient, accountable, and intelligible. Though there are many challenges as the task is not easy one but will be overcome with constant efforts of people at both bar and bench. All have to together implement the change and accept it for a good of the system and the people accessing to the courts for justice. It should be clear enough that virtual courts can not completely override physical courts. The role of virtual courts in the system is not a substantive one but an alternative one. The purpose is not the eradication of physical courts but assistance to them and the ultimate goal to easy, efficient and timely access to justice to all.