The Big Picture - Virtual Courts and Way forward

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In the wake of Coronavirus Pandemic, the Supreme Court (SC) has passed directions for all courts across the country to extensively use video-conferencing for judicial proceedings. The Supreme Court exercised its plenary power under **Article 142** to direct all high courts to frame a mechanism for use of technology during the pandemic.

> The SC, is moving towards technological advancement for its functioning and is conducting hearings through video conferencing since March 25, to maintain social distancing.

Virtual Courts

- Virtual Courts is a concept aimed at **eliminating the presence of litigants or lawyers in the court** and adjudication of the case online.
- An e-court or Electronic Court means a location in which matters of law are adjudicated upon, in the presence of qualified Judge(s) and which has a well-developed technical infrastructure.
- The e-courts are different from the computerised courts which have been in place since the 1990s.
- The working of e-courts requires an Online environment and an Information and Communication Technology (ICT) enabled infrastructure.
    - This would be beneficial for both improving the court processes and rendering citizen-centric services.
    - e-Courts are aimed to make legal processes easier and more user friendly.
    - Litigants can view the status of their case online through various channels created for service delivery.
    - Litigants can file the plaint electronically through e-Filing and also pay the Court Fees or Fine online through.

e-Courts Project

- The e-Courts project was conceptualized on the basis of the "National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary – 2005" submitted by e-Committee, Supreme Court of India with a vision to transform the Indian Judiciary by ICT enablement of Courts.
- The e-Courts Mission Mode Project, is a pan-India Project, monitored and funded by the Department of Justice, Ministry of Law and Justice, for the District Courts across the country.

Objectives of the Project

- To provide efficient & time-bound citizen-centric services delivery as detailed in e-Court Project Litigant's Charter.
- To develop, install & implement decision support systems in courts.
- To automate the processes to provide transparency and accessibility of information to its stakeholders.
- To enhance judicial productivity, both qualitatively & quantitatively, to make the justice delivery system affordable, accessible, cost-effective, predictable, reliable and transparent.

Advantages

- The expansion of E-courts will ensure easy **access to justice at affordable courts** to all sections of society.

- The experience of an e-court will be **much more personalised and private** as opposed to theatrics involving public-speech based system.
- The proliferation of e-courts **will make litigation faster,** given that required logistics are provided.
    - In India, there is a massive backlog of cases in every court. As of April 2018, there were over three crore cases pending across the Supreme Court, the High Courts, and the subordinate courts (including district courts).
- The judiciary system in India with the help of e-courts can overcome the challenges and **make the service delivery mechanism transparent and cost-efficient.**
- The e-courts will also benefit the judicial system and will provide **flexible retrieval of stored information.** This will allow judges to view the proceedings of a previous case or to retrieve other important documents at the click of a button.
    - Data sharing between different courts and various departments will also be made easy as everything would be available online under the integrated system.

Challenges

In the present circumstances, the virtual courts may seem a necessity, however, it goes without saying that at present there are a whole lot of glitches and shortcomings in its execution.

- The e-filling process is riddled with endless **complications.**
- e-Courts will also prove to be **cost-intensive** as setting up state of the art e-courts will require the deployment of new-age technology.
- **Hacking and cybersecurity:** On the top of technology, cyber-security will be a huge concern too. The government has initiated remedial steps to address this problem and formulated the Cyber Security Strategy but it is more on the side of prescribed guidelines alone. The practical and actual implementation of the same remains to be seen.
- **Infrastructure:** Challenges can erupt due to insufficient infrastructure and **non-availability of electricity and internet connectivity** in most of the Talukas/villages.
    - Electricity connection is a must along with internet connectivity and computers to ensure justice reaches every section equally.
- **Maintaining e-courts record:** The paralegal staff is not well equipped and trained to effectively handle document or record evidence, and make them readily accessible to the litigant, to the council as well as to the court.
- Other issues might involve the litigant's lack of confidence in the process due to lack of proximity.

Way Forward

- To address the aforementioned challenges, the first and foremost step is to **draw up a policy for encouraging the setting up of e-courts.**
  - It is critical to draw up a well-defined and pre-decided policy framework as it can help in laying a concrete roadmap and direction to the e-courts scheme of India.
- Another important step is the **need to upgrade the present state of infrastructure.** The government needs to identify and develop the infrastructure that would be required to support the e-court project.
- One aspect that needs to be focussed on is the **deployment of a robust security system** that provides secure access to case information for appropriate parties. The security of e-courts infrastructure and system is of paramount importance.
- Also, a **user-friendly e-courts mechanism,** which is simple and easily accessible by the common public will encourage litigants to use such facilities in India.
- The government must make **dedicated efforts in the training of personnel to maintain all the e-data.** These include maintaining proper records of e-file minute entries, notification, service, summons, warrants, bail orders, order copies, e-filing etc. for ready references.
- **Conducting training sessions to familiarise the Judges with the e-courts framework** and procedure can give a huge impetus to the successful running of e-courts.
- **Creating awareness around e-courts** through talks and seminars can help bring to light the facilities and the ease that e-courts can facilitate.

As technology is here to stay, therefore, finding mechanisms to make it better will be the step in the right direction.