



Virtual Courts

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Why in News

Recently, the **Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice** has presented its report “**Functioning of the Virtual Courts/Courts Proceedings through Video Conferencing**”.

This is the **first report** to be presented by any parliamentary panel on the **impact of the pandemic**.

Key Points

- **Pre-Covid-19 period**, the **video-conference (VC)** set up was primarily used for **conducting remand matters to prevent movement of prisoners between courts and jails**.
 - Such VC facilities have been operationalised between 3,240 court complexes and corresponding 1,272 prisons.
 - In August 2019, the **High Court of Punjab and Haryana launched its first virtual court** at Faridabad to deal with traffic challan cases from across the state.
- The report suggests that a **full-fledged virtual court should be piloted** in the first instance and recommends the **continuation of virtual courts in a post-Covid-19 scenario**.
- It argued that **transfer of certain categories of cases**, like cases pertaining to traffic challans or other petty offences, from regular court establishments to virtual courts **will reduce the pendency of cases**.

Currently, there are 30 million pending cases.

- **Advantages:**
 - Virtual/digital justice is **cheaper and faster** besides **addressing locational and economic handicaps**.
 - Virtual courts are an improvement over traditional courts as they are **more citizen-friendly and offer greater access to justice**.
 - The **productivity of lawyers will increase substantially** as there will be no regular visits to courts and long waiting hours. If this practice is extended to other civil cases, **efficiency will double**, even treble, **in judicial functioning**.
- **Challenges:**
 - Various stakeholders have noted that the **present infrastructure does not support virtual court proceedings**.
3,477 courtrooms are supported with facilities for virtual proceedings while 14,443 are still to be provided with them.
 - Almost 50% of **lawyers**, particularly in district courts, **do not have any laptop or computer facility** so their participation in the virtual courts will be either very less or not at all.
 - **All judges are not able to undertake virtual hearings** due to lack of experience and also due to lack of sufficient infrastructure to enable all of them to undertake virtual hearings.
 - Virtual court hearings, especially during peak hours when many people log into the video-conferencing system, are **subject to frequent crashes of the system** and one **glitch can spoil the entire proceeding**.
 - There are concerns that virtual courts will **compromise the privacy of data as well as the confidentiality of discussions and court proceedings**, due to the usage of third-party software applications, which are **prone to hacking and manipulation**.
- **Suggestions:**
 - **Infrastructure needs to be updated** with sufficient machinery and data connectivity to provide with the virtual proceeding.
 - **Virtual proceedings can be extended permanently to various Appellate Tribunals** like **Telecom Disputes Settlement and Appellate Tribunal, National Company Law Appellate Tribunal**, etc. located across the country which do not require personal appearances of the parties/advocates.
 - The Ministry of Law and Justice and Ministry of Electronics and Information Technology has been recommended to **address data privacy and data security concerns** while developing a new platform for India's judicial system.

- It 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.

Way Forward

- While India grapples with a crisis on the health and economic front, there is a need to think out of the box and a change in mindset regarding the work-culture is needed.
- It is time that the courtroom, which is often regarded as the last bastion of antiquated working practices, opens its doors to the latest technology.
- If vested interests are kept aside and collective will to initiate what is for the common good takes precedence, a virtual judiciary can become a part of Indian judiciary.