

EXAMINING THE FUNCTIONING OF COURTS IN INDIA DURING COVID-19 PANDEMIC

Ankit Kumar*

Anant Kumar Anand**

Abstract

The Covid-19 pandemic has become the global health crisis and the biggest challenge we've come across since World War II. It's not just affecting our health but also leading to a socio-economic crisis. The lockdown changed the working structure of many institutions and will keep bringing the changes in the daily works or activities. Judiciary is no more away from this. The Hon'ble Supreme Court of India issued some guidelines regarding the functioning of Courts through online video conferencing mode invoking its power under Article 142 of the Constitution of India as an extra ordinary jurisdiction. But even after this, the Higher Courts are only entertaining urgent matters & Lower Courts are hearing remand & bail applications. The lawyers who works independently are unable to find new cases as none of the courts are hearing regular matters.

The Bar Council of India has opposed the decision taken by the Supreme Court of India about entertaining matters through online video conferencing mode stating that 90% of the lawyers & judges are unaware of the technology. A necessary training is required for the lawyers regarding the online functioning of courts as there are many lawyers who aren't skilled enough to work with the new technology. However the Supreme Court said that the institutional requirement was to ensure the "administration of justice" does not crumble in the face of the pandemic. Lawyers are facing so many problems like sending their files in PDF forms, convincing the judges regarding the urgency of the cases and also in addressing their arguments through online mode. A detailed analysis of the functioning of the courts in this pandemic is discussed in this paper. This paper also deals with the pros & cons of the guidelines issued by the Supreme Court. This paper builds on the understanding "Article 142 of the Constitution of India which Supreme Court invoked as an extra ordinary jurisdiction. A conclusion will also be drawn after understanding the functioning of courts and the possible measures as solutions which can be taken. As a product of applied research and analysis this paper is authored for the benefit of researchers, policy analyst, courts and regulators.

KEYWORDS

Supreme Court, Pandemic, Online Mode, Justice

* Student, School of Law, UPES, Dehradun.

** Student, School of Law, UPES, Dehradun.

INTRODUCTION

As we know that the country is suffering from Covid-19 & still not able to prevent it and we are in the era of lockdown & social distancing norms. To ensure the safety of the citizens of India & also to continue delivering justice to the people, the Hon'ble Supreme Court has moved to the Online Video Conferencing mode for the continuation of the Supreme Court & HC's for now with some guidelines. This new framework might be an opportunity for the judiciary to speed up its process to deliver justice.

Introducing to new modes of technology in carry forwarding the judicial proceedings will surely change how people can get justice. It will bring vast change in the judiciary.

This new technology will enable us to record the whole arguments by lawyers, witnesses, evidences which will be very useful when the cases will be appealed as it will be easier for the judge to understand the case in no time.

This will be beneficial for the parties too who are based away from the courts and will be helpful in translation of their language too. The people will also be more aware of their rights by this mode & also the dispute resolution possibilities information & assistance can be given easily.

But, as we know, every coin has 2 sides. Here we saw the pros of the new video conferencing technology but we can't deny the cons also. The challenges occurring in between cannot be kept at stake. This mode should be used keeping in mind of the level & literacy of

people. The safety & security of the data of the cases & all should be highly maintained. The effective implementation of the technology is the key to achieve the outcomes.

This paper examines the functioning of courts in India during Covid-19 Pandemic. The first section of this paper shows the current working status of the courts in India via video Conferencing mode. The second section describes how digital mode is a Gateway in this lockdown , exploring the video conferencing mode & how it came into existence. This third section talks about the circumstances required to make the digital mode effective. The fourth section highlights the pros & cons of their Virtual Court system. The fifth section tells us that who actually is the sufferers in this. The sixth section tells us the effective solutions and measures which can be taken to maintain the standards of the system. The seventh section describes the rules which should be framed for the implementation of the virtual Courts. The eighth section leads us to the conclusion of the whole paper.

CURRENT STATUS

Covid-19 has affected and changed the way how the world and communities used to live & carrying the business hence forth. The world has adapted the work from home concept and organising their meetings through video conferencing mode via Zoom, Google Meet etc.

Indian Judiciary was already the online mode from past few years but after this pandemic it

became the necessity and Supreme Court of India passed the guidelines for completely taking it to online mode stating the need to use video conferencing mode for providing justice.

Since the Courts have stopped functioning in physical manner and currently working online in virtual court rooms. Some policy makers want this video conferencing mode to continue even after the pandemic is over as this will be the future of Judiciary and it will also provide justice to the litigants residing far away from the courts and are not able to attend the hearings.

While some influencers are saying that this new technology cannot replace the old one as the fundamental principle in the administration of justice is that courts must be open to the public.

¹Article 145(4) of the Constitution of India provides that no judgment shall be delivered by the Supreme Court other than in open court. It further, provides that no report shall be made under Article 143 other than in accordance with an opinion also delivered in open court. Section 327 of the Criminal Procedure Code and Section 153-B of Civil Procedure Code also mandates open court hearings in all criminal and civil cases.

But if we are changing the system completely and that too suddenly then we need to ensure that it properly works and standards are

¹ Senior Advocate, Supreme Court of India, Virtual Courts – Can it Replace Open Court Hearings?, India Legal, (June 21, 2020)<https://www.indialegallive.com/top-news-of-the-day/news/virtual-courts-can-it-replace-open-court-hearings>.

maintained as it will be the future of Indian Judiciary. We should keep a check on how these techniques should be implemented in the courts, what are the challenges that can be faced or the guidelines regarding the use of new technology etc.

Some other improvements which can be done in the online mode are e-filing of cases, recording of evidences, case proceeding, management of case related documents etc.

The Journalists have also been allowed to report in the important case proceedings. The Courts are trying to keep the same pace as of open Courts as much as possible under this extremely bad situation.

DIGITAL MODE IS A GATEWAY

How Virtual Mode Of Court Proceedings Came Into Existence?

The e-Court project was made on the basis of National Policy and Action Plan for implementation of Information and Communication Technology (ICT) in Indian judiciary in 2005 with the vision to change the Indian judiciary by ICT. The Government of India approved the computerization of 14,249 District and Sub-ordinate Courts in 2014. The High Courts of Bombay and Karnataka were the first to issue a notification regarding operation of virtual Courts in their respective states on March 17 and 21 respectively. The idea was to ensure justice to the people without any interruption even during the pandemic when social distancing has become

an indispensable norm.² On March 23, the Supreme Court through its Secretary-General, Sanjeev Kalgaonkar, notified the use of the Vidyo app for accelerating hearings via video-conferencing. In the suo motu case titled In Re: Guidelines for court functioning through video-conferencing during COVID-19 pandemic, the Court issued a slew of directions to streamline the functioning of courts and to ensure that all of them are made accessible via video-conferencing during the lockdown. It is believed that upon the request of senior advocate Abhishek Manu Singhvi, the Court was willing to extend the video-conferencing facilities even to the offices of counsel. The Apex Court has successfully addressed the issue of interruption in delivery of justice due to the on-going pandemic and a Bench comprising CJI Bobde, Justice DY Chandrachud and Justice L Nageswara Rao has issued detailed guidelines regarding conversion of Courts from physical to virtual mode (video conferencing). This decision is welcomed by the advocates and judges alike as it reduces the physical presence of all litigants and adopts the social distancing norm and ensures justice to the people at the same time.

These guidelines with respect to functioning of the Courts in virtual mode have been issued by invoking **Article 142** of the Constitution of India as an extra-ordinary jurisdiction. In this order courts were ordered to adopt the virtual mode to conduct court proceeding. The

Supreme Court of India conducted its first virtual way of court proceeding on 1st June 2020. Although the virtual mode of Court proceedings is only temporary in view of the on-going corona crisis, yet many judges and senior advocates want to adopt the virtual mode of functioning of the Courts as usual practice even after the end of this pandemic. However,³ Sharad Arvind Bobde, the Hon'ble Chief Justice of India has made it clear that "There is no looking back" and the only way forward will be a combination of virtual Courts and physical Courts. So there is a clear indication that Virtual Courts are not temporary.

CIRCUMSTANCES REQUIRED FOR THE PROPER FUNCTIONING OF THE VIRTUAL COURTS

As keeping in view of the current scenario, for proper functioning of the Virtual Courts are really in need. Few circumstances are required for the proper functioning of the Courts.

For continuation of the proper functioning of the Court proceedings, high speed internet connection is required and the staffs associated to it should be well trained and skilled. They should be well equipped with the instruments for repairing the virtual system if any problem arises, so that no delay occurs in the Court proceedings. The Judges, Court members and the Advocates should be skilled enough to use the advance technology.

² Advocate, Delhi High Court, A Supreme Bench Mark, India Legal, (May 27, 2020) <https://www.indialegalive.com/top-news-of-the-day/a-supreme-benchmark>.

³ How corona virus is propelling the rise of online courts in India. <https://www.dw.com/en/how-coronavirus-is-propelling-the-rise-of-online-courts-in-india/a-53774109>.

A proper infrastructure should be set up for the Virtual Court proceedings so that no issue arises in between. Even a proper connection with the different departments should be set up for a proper communication. An orientation should be done for all the people associated with this virtual system, may it be the Judges, Court members, or the Advocates. So that they don't face any problem in anything related to it.

The effective use of the equipments should be done. The proper training regarding the use of the equipments like the printers, scanners, visualizers, computes, internet connection, staff management and safety management etc should be done. The uninterrupted power supply and power backups should be there all the time so that it doesn't affect the hearings. Proper lighting should also be there in the Virtual Court room to avoid any discrepancy.

The video camera, microphones, display monitors and speakers should be of good quality so that these equipments work properly in long run. Proper system for documents visualization, digital signatures, noise insulations etc. should be there for the ease while passing the judgements.

The emergence of Covid-19 as an international concern was declared by the World Health Organization (WHO) on January 30, 2020. It has undoubtedly affected the professional as well as personal lifestyle of people. The judiciary is also not untouched by it. Smooth functioning of the Courts is very important for India as large number of cases is pending and

in the absence of an alternative this number is destined to increase rapidly resulting in denial of justice to the common man.

PROS OF THE VIRTUAL MODE

There is a dire need for the judicial fraternity to remain accessible in these trying times. The virtual Court is for urgent matter hearing and the e-filing facility is available for all matters.

There are a number of benefits of hearing via video conferencing as here physical presence is not necessary for clients and lawyers, so it saves a lot of time and money as they have to travel a lot to attend the Court. Also, the lawyers can argue their cases from anywhere. Timely disposal of cases will lead to reduction in the number of pendency of cases. It will also ensure justice in a speedy way which is very crucial in view of the available data which shows that the number of judges in terms of cases is very few.

The Hon'ble Supreme Court of India in case of State of Maharashtra vs. Dr. Prafull Desai clearly said that the word 'presence' cannot be interpreted to only mean the actual presence of a person in any court. Hence, the evidence cannot only be recorded with being physically present in a court if the parties are located at a far distance or there is fear or danger in appearing before the Court. Even the statement of the witnesses can be recorded through video conferencing mode in case of any danger to life.

As a result, one can get justice from any corner of the country. Under the electronic filing system, the filing can be done from any part of

the country at any time. The payment of Court fees and all the defects in the petitions can be cured online and there won't be any need to physically go to the Courts for this purpose. There are other many indirect benefits like lesser crowd and no chaos in Court premises, lesser importance attached to physical infrastructure and improvement in work life balance.

CONS OF THE VIRTUAL MODE

As because of this pandemic, the Court proceedings have been shifted from physical to virtual. Many people are taking this in a positive and affective way and the Chief Justice of India also said that after this global pandemic the court proceeding access proceed in both physical and virtual way.

The cons of virtual mode are firstly there is no accessibility to justice , as many people think that because of the online proceeding/ virtual courts many people get justice in a easily manner but it is not because reach of internet to every person is not general. Litigants, the advocates, media, court staff, judges and other person involved in this is not aware of the virtual mode as many of them have not knowledge regarding online proceeding.

⁴Given its vast umbrella, the principle is better appreciated as a notional bridge between the public and courts, built on broader values. As one of the core principles of natural justice,

⁴ Pramod Kumar Dubey, Virtual Courts: A Sustainable option?, Bar and Bench, (April 12, 2020)
<https://www.barandbench.com/columns/virtual-courts-a-sustainable-option>.

'Open Court' is encapsulated in the Constitution of India under Article 145(4); Section 327 of the Code of Criminal Procedure, 1973; and Section 153B of the Code of Civil Procedure, 1908.⁵ In Naresh Shridhar Mirajkar & Ors vs. State of Maharashtra & Anr it was held that "Public hearing of cases before courts is as fundamental to our democracy and system of justice as to any other country". Though conventional technology interventions like the virtual court are the need of the hour in current circumstances but the principle of the open court should not be compromised.

If we go through the statistics that come in 2017, around 72 percent of population does not have access to internet and according to TRAI's data people living in urban area has a high rate of subscription and on other side the rural area has only 27.57 of subscription per 100 people in 2019. Major cities like Mumbai and Delhi has about 1.5 Crore and 2.20 Crore internet connection and as we go through the North East region it has only 4.3 Lakhs connection then how the people can access Justice in virtual mode. Secondly false evidence and Demeanor of witness, three is large difference between audio - video recording that is to present in a virtual mode and in-court testimony. In - court testimony is a better option to evaluate the witness by way

⁵ Debeyan Roy, How MJ Akbar's Defamation Suit Against Priya Ramani May Play Out in Court Today, News 18, (October 18, 2018)
<https://www.news18.com/news/india/how-mj-akbars-defamation-suit-against-priya-ramani-will-pan-out-in-court-1912345.html>.

of testimony along with Demeanor. Physical presence in court is important in case of cross examination because facial expression, gesture, way of talking can be seen in physically. The evidence recorded by means of audio and video recording can be distort. Thirdly threat of theft of important documents, previously all the document was with the advocate and they will present before a judge but now from mentioning to hearing all document is shared. The documents and all the information is important and sensitive for a case and if this document goes to third person hand it will create a huge problem for all. Thirdly illegal recording as the court announce that the court hearing should not be recorded but in realistic court can check whether third party is recording the proceeding or not. Fourthly it is regarding the safety in domestic violence cases, as if the party is residing in same house or in same locality so it may be dangerous for domestic violence survivors to safety participate in the court proceedings. They can't rely on the courthouse safety measures as in Physical Court proceedings everything done with full protection by police official inside the court room.

WHO ARE THE SUFFERERS?

1. Lawyers

The lawyers have suffered a lot in this pandemic. The new advocates with no or very little experience in the field or working independently are unable to meet their own expenses. The ones who are dependent on daily hearings for their earnings are left

without any support now as they aren't getting any clients. They are heading back to their hometown in search of alternate jobs or waiting for the Courts to finally reopen⁶.

The ones with pending cases or new clients are facing difficulties in arguments through video conferencing as they are not familiar and comfortable with the technology involved. Others still are not skilled in technical know-how.

Many have their chambers within the premises of the Courts for which they are paying huge monthly rents and without or very little income they are unable to tackle this situation.

As the Hon'ble Supreme Court and various High Courts are only hearing urgent matters in view of the alarming increase in the rate of corona positive cases. Legal practitioners are well aware that urgent matters often translate to senior counsel appearances and high-profile cases⁷. Due to this, the cases of common people might not receive an equal attention and their lawyers might consequently suffer.

2. Judges

⁶ Anand Mohan, Amid Pandemic, Courts Restrict Functioning Till July 31; Many lawyers head home in search of work: 'No cases since March', Indian Express, (July 18, 2020) <https://indianexpress.com/article/cities/delhi/amid-pandemic-courts-restrict-functioning-till-july-31-many-lawyers-head-home-in-search-of-work-no-cases-since-march-6511330/>.

⁷ Sandhya PR, Corona is a wake up call for Indian Courts. They aren't equipped to function in a crisis., The Print, (March 27, 2020) <https://theprint.in/opinion/corona-is-a-wake-up-call-for-indian-courts-they-arent-equipped-to-function-in-a-crisis/389224/>.

The Judges are also facing many problems due to the online justice system.

As many judges of the Supreme Court, High Courts and District Courts are not well trained in the new technology-based system of dispensation of justice, they are facing problems in accessing the video conferencing mode for proceedings of the case.

Moreover, the evaluation of evidence, documents and files are also being done on the virtual mode which is creating a lot of problems for the Judges to evaluate and proceed accordingly as any discrepancy in the system can lead to a serious damage to the parties.

There might be a chance of glitch while recording of statements of witnesses and testimonies⁸and consequently, transparency of the case might get hampered in such circumstances. Physical appearance of the witnesses is always the best option while cross examining them. Evidences recorded by video conferencing mode cannot sense the facial expressions, postures and gestures of the witness and might lead to discrepancies.

Keeping in mind the fact that a Judge needs to know everything about the case before passing a free and fair judgment, if the proceedings involve such discrepancies, justice cannot prevail.

3. Litigants

The litigants are facing a lot of problems in finding the lawyers for taking up their case as the Courts aren't working in physical mode and so the advocates are not present within the Court premises. As a result, the clients are compelled to reach them on their own by other means of contact. However, during this Covid-19 situation, people are abstaining from meeting new people and this is another setback for the litigants as they're finding it difficult to properly explain their case to the advocates.

But even after this, if a client finds a lawyer and if the suit has been filed in the Court, the client will suffer again while attending the online mode of proceedings of the case because most of the clients aren't familiar with the technology based system of working of the Court.

Moreover, the question of transparency also arises. If the party to the suit will be unable to see the Court proceedings with his own eyes, then it might cause distrust against the judicial system.

This might interfere with the idea of justice because for delivering justice, everything about the ongoing case should be notified to the clients being his right to know about the case. Therefore, we may conclude that the litigants will be the ultimate sufferers.

⁸Pramod Kumar Dubey, Virtual Courts: A sustainable option?, Bar and Bench, (April 12, 2020)
<https://www.barandbench.com/columns/virtual-courts-a-sustainable-option>.

EFFECTIVE SOLUTIONS

1. Categorization of Cases⁹

As we know that Supreme Court has issued a set of guidelines for the functioning of courts, the courts should plan accordingly that on what ground and how they will be dealing with the categorization of the urgent cases.

A. Criminal Cases

In criminal cases which involve loss of personal liberty such as bail, remand, injunctions etc to the Court should be prioritised.

B. Domestic Violence against Women

Due to the National Lockdown and strict norms, the people being at home are now feeling irritated due to their socio-economic conditions or their poor living standards and are overreacting even on minor issues. A large number of cases relating to the violence against women and girls are being reported creating larger risk factor of lives for women and girls. Proper handling of these cases should be done ensuring women safety.

C. Protection of Children from Sexual Harassment

Along with the safety of women it is equally necessary to ensure the safety of children. We should ensure the safety of our children and also in our surroundings. Cases relating to this should also be prioritized as in these cases

justice should be prevailed immediately and culprits should be punished.

D. Civil Cases

In cases related to property, breach of contract, defamation etc., the court should provide injunction on the basis of prima facie case and chances of permanent damage to the claimant.

E. Alternative Dispute Resolution in Civil Cases

The Lawyers and the Judges should encourage ADR system in civil cases as these will reduce the burden of the court and the cases will also be resolved within time as well as they will be cost friendly.

F. Family Cases

Family cases such as divorce cases or maintenance cases can be resolved through the online mode or even on telephonic modes of communication.

G. Labour Disputes

As this pandemic is resulting in socio-economic breakdown, many people are losing their jobs. So as to keep their situation stable, they should have the right to claim the right to job security for their livelihood. So these cases should be given priority.

H. Writs or PILs related to Covid-19 Situations

The writ petitions and PILs relating to the covid-19 pandemic situation or relating to the lockdown which are being filed in the

⁹ Amulya Ashwathappa, How Should Courts Function After The Lockdown?, Daksh India, (May 7, 2020) <https://dakshindia.org/how-should-courts-function-after-the-lockdown/>.

Supreme Court and High Courts should be given priority.

2. STANDARDS THAT SHOULD BE MAINTAINED

The standards that should be maintained during virtual mode of Court proceeding is that ¹⁰the proceedings by video-conference should not be recorded/stored or broadcast, in any manner whatsoever, as recording/copying/storing and/or broadcasting, by any means, of the hearings and proceedings before the apex court are expressly prohibited.

The identity of the person who is appearing for the court proceeding should be confirmed by the court and In civil matter, the party which is requesting for recording the statement through the virtual mode shall have to confirm the court location of the person and also to express willingness to appear for the some specific place for video conferencing. The important thing that the advocate should keep in mind that In criminal cases, where the person to be examined as a witness, if he is from prosecution side then the prosecution side will confirm the court about the willingness and location for the video conferencing and if he is examined as defendant witness then defense counsel will inform the court.

Timing of the sitting of the Virtual Court will be published and notified in the cause list so

¹⁰PTI, Supreme Court comes up with new guidelines for hearing matters from May 18 to June 19, The Economic Times(May 17, 2020) <https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-comes-up-with-new-guidelines-for-hearing-matters-from-may-18-to-june-19/articleshow/75789009.cms>.

that the court will run without any interruption. As there are many Advocates who does not have system for video conferencing so the advocate on record should specify that he/she will use their own computer for hearing or use the court premise for this matter because Court will provide the video conferencing facilities to those litigants who do not have access to these facilities and all the advocates or parties should use broadband connection of minimum 2 mbps and it should be 4G connection and in this regard it also said that no other device or application should be connected or using the band with in any way when the court hearing or proceeding is progressing by video conferencing mode.

The first thing that the parties are required to do is to file the miscellaneous application or petition through e- filing mode available on the respective court website and after doing this they have to send separately the signed and verified mentioning application to the apex court and This document should not exceed one page ¹¹Moreover, the mentioning application must contain a separate paragraph giving consent for taking up the matter through virtual mode. During the virtual hearing, parties would be permitted to rely upon only on documents filed with the application. ¹²Upon approval of the urgency by

¹¹ PTI, NCLAT issues standard operating procedure for virtual hearings from June , Financial Express, (May 30, 2020)<https://www.financialexpress.com/industry/nclat-issues-standard-operating-procedure-for-virtual-hearings-from-june-1/1976249/>.

¹²Supreme Court of India https://main.sci.gov.in/pdf/LU/15042020_134922.pdf.

the Competent Authority, the case would be listed before the Hon'ble Bench in due course; in case the application praying for listing on grounds of extreme urgency is declined, the AOR/Party-in-Person would be intimated through e-mail. Re-mentioning of case through landline phone at the residence of His Lordship or otherwise will not be permitted.

The guideline that is issued and directed by the court to advocate is to keep their microphone mute at all times except when the bench asked to do so to avoid the disturbance that will arise between the video - conference. The parties should always remember that they are participating in court proceeding, so they should be in proper uniform and follow the same etiquette that they follow in physical mode of court proceeding and They should cooperate the staffs and follow the instruction given so that the hearing can be smoothly conducted.

RULES WHICH SHOULD BE MADE FOR THE IMPLEMENTATION OF THE VIRTUAL COURTS

As the virtual proceedings are going on there must be a proper set of rules for implementation of the virtual courts so that the smooth functioning takes place.

The rules should be binding and separate for all the Courts. The expansion of the rules should also be empowered to any particular authority. The Virtual Courts should meet at least the minimum requirements to function properly. The infrastructure should contain separate rooms for setting up the Virtual

Courts, Desktop/Laptops should be separate for the Judges and the Court Members, good quality of internet, speakers, microphones, video cameras, printers, digital signatures, cloud storage, echo reduction software etc.

The Courts should also state that which software to be used for the court proceeding via online mode, who will be the assigned persons who can use this facility, in which nature the users can access this features and the required personals who will be called by the respective Courts other than the Judges, Court members, Litigants, Advocates and the witnesses.

The most important and required thing should be the training of the Judges, Advocates and other Court Members. A proper set of rules regarding the nature of the training, when and how the training will be done, which authority will guide and conduct the training. They should also be made aware to solve the lower level technical issues on their own.

Rules regarding the Court attire should also be made. Judges, other Court members and the Advocates should dress up same as they do in physical Courts and the litigants should be in a formal dress up. Rules regarding the process of e-filing and e-payments should also be made so that the Advocates and litigants be aware of everything.

The proper roaster should be made for daily hearings so that the Judges, Advocates and the litigants can know when their case will be heard. The virtual Court should also state that how the orders will be passes and how the

copies of the case will be provided to the Advocates and litigants.

We can also make an online waiting room feature so that the parties and their Advocates can wait for their turn until the beginning of the case hearing. A proper set of rules must be provided on filing the application or memos before the Court while the hearings of the case are going on and how they'll receive the receipt of the same.

Everyone should be made aware of the manners to be followed in the virtual court room. Everyone should remain silent except the person allowed to speak by the Court. If someone wants to say something in between the ongoing proceedings then there must be a feature for raising hands and also to mute and un-mute the participants. No use of Mobile phone should be done while the proceedings are going on.

Sometimes during the case proceeding, the Advocates and the litigants want to have some private conversation regarding the case. So this feature should also be enabled in the virtual mode.

Rules regarding the privacy and security of the data should also be made and it should also include how this will work while recording of hearings, documents and other things.

As in the Physical Courts, we have few aids for the differently abled people, so we should make such options in the virtual mode also. We should have translators, experts in sign language, Court persons to read the documents

for blind people and even interpreters for the mentally and physically disabled.

No other person should be allowed to record the proceedings except the person authorized by the Court so that the privacy and security of the Cases can be maintained. Any person found doing so, or releasing the clip on any media channels or social media should be punished.

CONCLUSION

This pandemic has made us realise that we need to redefine our Indian Judiciary working system. The Virtual Court is a significant step in this era of Covid-19. It has emerged out to be the only possible working solution for the dispensation of justice.

We can say that if a way is blocked, we do have new opportunities too. The Virtual Court will help the Judiciary in delivering justice to the people even in this pandemic situation. This will also reduce the pendency of the cases. It is a cost friendly option and the suffering of the people will also lessen. The decision to conduct the Court proceedings in virtual mode is a welcoming move as the basic principle of the justice system i.e. "The justice must not only be done, but seen to be done" will be sustained.

However, this can only be gained if we don't turn a blind eye towards the problems that are arising with respect to the implementation of the Virtual Courts and at the same time, figuring out the ways to tackle it. Indian Judiciary is still not having the virtual mode in complete manner due to lack of updated

equipments, proper machinery, the required infrastructure and the loopholes which are there in the implementation system. Even till date, the District & Subordinate Courts are not updated with the National Judicial Data Grid and now we expect them to be updated with the new virtual mode.

We must not forget that the virtual mode can be an option or alternative but can't be the absolute replacement of the Physical Courts. They can be helpful for the hearing of urgent matters like Bail, Remand and Stay Orders etc. The Indian Judiciary is still not ready for continuing in virtual mode because we know that all this came into existence due to this Covid-19 pandemic.

A 7 member Committee of the Judges constituted by the Hon'ble Supreme Court had issued a SOP keeping in mind the current scenario of the country for taking the Physical Courts to the Virtual mode but they took it as a temporary mode only and not a permanent one as they issued the guidelines only for a particular time. But, the Virtual Courts are the need for the society for accessing justice even in this pandemic situation. So, for using this mode as an option in a long run, we need to keep improvising the virtual mode. The ultimate aim of the Judiciary is to provide justice to the needy people and the Virtual Courts have emerged out to be the only possible solution during this Covid -19 outbreak.