



Unveiling the adaptation of Virtual Courts by the Indian Judiciary in the New Normal-Examining Relevance, Necessity and Effectiveness.

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Abstract: Virtual Courts, as the name suggests, are courts that operate using a remote working system with the aid of different software and resources. Eliminating the need for human presence in the court is intended to prevent adjudication of cases from being delayed by the absence of the litigant, the client, or the court employees. E-courts are a subclass of virtual courts in that they refer to the websites and other tools used to support their operation.

The use of virtual court hearings has become more popular in India as a result of the country's expanding internet connection and the difficulties brought on by the Covid-19 outbreak.

In order to prevent any sort of gathering in Court, former Chief Justice of India SA Bobde conducted a meeting on 15th March, 2020, wherein he addressed the adoption of video conferencing in courts. This action was taken to combat the COVID-19 outbreak and lessen its effects on how the court in our nation operates. By eliminating geographic restrictions and increasing courtroom productivity, the virtual court serves as an efficient way to conduct court hearings.

If correctly implemented, "Virtual Courts" will be able to impart justice to the citizens of our country in a timely and efficient manner.

Nonetheless, the value of physical hearing cannot be understated. The Indian Judiciary is being presented with arguments in favour of physical hearings also which rules out the usefulness of virtual courtrooms. The researchers through this research will examine the relevance, necessity, viability and effectiveness of virtual court hearings as well as the difficulties that these virtual courts provide in India.

Keywords: Unveiling, Judiciary, Courts, Virtual Courts, E- Courts, Covid 19, and Justice.

Introduction: The introduction of Virtual Courts has significantly changed how the Indian judiciary operates in the wake of the COVID-19 outbreak. In order to secure the safety and wellbeing of all parties involved while also assuring the administration of justice, the sudden emergence of the virus required the judicial system to adapt new technology and techniques of conducting legal procedures. The implementation of Virtual Courts has altered the Indian judicial system's paradigm and raised

various concerns about its necessity, effectiveness, and relevance.

In this research article, the researchers would investigate how the Indian judiciary has adapted to the Virtual Courts and also consider how it has affected the legal system. The researchers will evaluate the benefits and drawbacks of virtual courts and investigate if they may serve as a viable substitute for conventional court proceedings in a post-pandemic society. The researchers aim to shed light on these topics and offer insightful analysis on the state of Indian law today and where it is headed in the future.

Meaning of Virtual Courts: Virtual courts are a sort of court system that conducts legal procedures remotely using electronic communication technologies, such as videoconferencing and other digital means. With the use of this system, judges, solicitors and litigants can communicate and take part in courtroom procedures virtually from different locations.[1]

Emergence of Virtual Courts during Covid 19 Pandemic: In response to the COVID-19 epidemic, which made it challenging for courts to operate normally owing to social isolation and other limitations, virtual courts were developed. The use of virtual courts has the potential to bring about a number of advantages, including a reduction in travel requirements, time and cost savings, and facilitating access to justice for persons living in rural or underserved areas. Virtual courts' merits and drawbacks, particularly with regard to how they affect due process, openness, and fairness in court proceedings, are still up for discussion and study. [2]

Adaptation of Virtual Courts in the New Normal: Global legal systems experienced substantial disruption in 2020 as a result of the COVID-19 pandemic. Social distancing policies and lockdown limitations made it challenging for courts to operate normally, which led to a backlog of cases and delays in the administration of justice. Many nations, like India, turned to virtual courts as a way to conduct legal procedures remotely in response to these difficulties.[3]

However, the use of virtual courts in India has been uneven. On the one hand, virtual courts have been able to alleviate some of the case backlog and have made sure that judicial proceedings progress despite the difficulties the pandemic has caused. The use of virtual courts has also prompted the legal system to accept more technology, which could have long-term advantages. However, successfully establishing virtual courts has come with significant difficulties.[4]

In spite of the various difficulties, virtual courts have established themselves as the "new normal" in India's legal system, and it is very probable that they will continue to be very important in the future. In order to successfully establish virtual courts, there will need to be ongoing investment in infrastructure and technology, as well as training for judges and lawyers.[5]

Effect of Virtual Courts in reducing the burden on the Judiciary : The strain on the judiciary could be lessened in a number of ways with the use of virtual courts. Firstly by enabling judicial proceedings to proceed despite the problems provided by the COVID-19 pandemic, virtual courts can help to reduce the backlog of cases. Virtual courts offer a way to conduct legal proceedings remotely, hence lowering the amount of cases that are postponed or delayed. The pandemic had significantly disrupted court proceedings.

Secondly, using virtual courts can lessen the necessity for in-person court appearances, which lowers the expense of travel and lodging for litigants, lawyers, and judges. People who reside in remote or underserved locations may especially benefit from this because they would otherwise have to travel great distances to attend court proceedings.

Thirdly, using virtual courts can shorten the amount of time and money needed for court cases. Because participants do not need to travel to a physical location and papers may be transmitted electronically, virtual hearings, for instance, can be held more quickly than physical hearings. This

can aid in shortening the duration of the legal process and lowering associated fees.

Fourthly, virtual courts can allow people who might otherwise find it difficult to engage in judicial procedures have better access to justice. People with impairments, for instance, who might find it challenging to attend real-world court proceedings, can take part in virtual proceedings from the comfort of their own homes. Virtual courts can also be utilised to offer legal assistance to people in remote or underserved locations who might otherwise find it difficult to receive legal services.

Overall, the use of virtual courts has the potential to reduce the burden on the legal system and increase individual access to justice. However, to effectively adopt virtual courts, there will need to be ongoing investment in infrastructure and technology, as well as training for judges and solicitors to guarantee they can use virtual courts efficiently.[6]

Relevance, Necessity and Effectiveness of Virtual Courts:Following the COVID-19 outbreak, the significance, importance, and efficiency of virtual courts have been highlighted. To ensure that legal procedures may progress despite the problems caused by the pandemic, virtual courts have emerged as a crucial tool. Additionally, virtual courts have a number of advantages that make them useful in the long run. Virtual courts offer an alternative method of conducting legal processes when regular court proceedings are impeded, which is one of their main advantages. This is especially important now that the COVID-19 outbreak has passed and regular court operations have been hampered by social distancing policies and lockdown limitations. The use of virtual courts guarantees that judicial actions can go on despite the pandemic, guaranteeing that people have access to justice.[7]

The ability to clear the backlog of cases offered by virtual courts makes them essential as well. Virtual courts offer a way to conduct court cases remotely, minimising the amount of cases that are postponed or delayed. The pandemic has caused a considerable backlog of cases. This can assist in accelerating the legal procedure and easing the pressure on the judicial system.[8]

Finally, the advantages that virtual courts offer over conventional court sessions contribute to their effectiveness. Because participants do not need to travel to a physical location and documents may be transmitted electronically, virtual hearings, for instance, can be held more quickly than physical hearings. This can aid in shortening the duration of the legal process and lowering associated fees. Virtual courts can also increase access to justice for those who might otherwise find it difficult to take part in court proceedings.[9]

Impediments in the operation of Virtual Courts in India:Despite the advantages of virtual courts, there are a number of obstacles that have made it difficult for them to operate in India. Here are a few of the main obstacles:

Infrastructure: The provision of a solid infrastructure, such as dependable internet connectivity, video conferencing capabilities, and suitable hardware and software, is crucial for the operation of virtual courts. The infrastructure needed for virtual courts is sometimes insufficient in India, which might interrupt and delay the proceedings.[10]

Technical difficulties: To participate fully in proceedings in virtual courts, participants must possess a particular level of technical knowledge. The inability of some solicitors and judges to use virtual court platforms efficiently might lead to challenges and delays in the course of the proceedings.[11]

Security Concerns: The security and confidentiality of information shared during virtual court sessions are issues. It is crucial to guarantee the security of online court systems and the confidentiality of any information provided during hearings.[12]

Issues with connectivity: In India, many areas still don't have reliable internet access, which can be quite difficult for virtual court hearings. Dropped calls, slowed down proceedings, and other disruptions might occur when there is poor internet connectivity.[13]

Limited Access: Although the use of virtual courts can increase access to justice, not every citizen will be able to take part in virtual court proceedings due to a lack of resources or technology. As a result, there may be a "digital divide" where certain people lack access to justice because they do not have access to technology.

Although virtual courts have many advantages, there are considerable obstacles that need to be removed for them to function properly in India. Taking important efforts to address infrastructure, technical, and security issues, enhancing connection, and increasing access to technology can help remove these barriers and boost the efficiency of virtual courts in India.[14]

Future of Virtual Courts in India: The COVID-19 epidemic has brought attention to the potential of virtual courts in India, and these courts appear to have a bright future. The Indian judicial system's backlog of cases will likely be reduced and access to justice will likely be improved thanks in large part to the use of virtual courts.[15]

To implement virtual courts, the Indian judiciary has made considerable advancements. A number of high courts have also released their own instructions since the Supreme Court of India released comprehensive guidelines for the operation of virtual courts in April 2020. In order to facilitate virtual court proceedings, the National Informatics Centre (NIC) created an e-courts platform, which has been implemented in a number of courts throughout the nation.[16]

The success of addressing infrastructure, technical, security, connection, and access issues will determine how India uses virtual courts in the future. To increase internet connectivity in rural areas and make virtual court platforms safe, dependable, and easy to use, the government and the judiciary must cooperate.[17]

Additionally, it is essential to give judges, lawyers, and other stakeholders training in order to improve their technical proficiency and get them ready for virtual court sessions. It is also essential to ensure that virtual courts are implemented correctly and to address issues with their efficiency and fairness. In general, virtual courts have the power to improve access to justice and change the Indian judicial system. However, its success will depend on the actions taken by the government, judicial system, and other interested parties to address the issues and guarantee their correct application.[18]

Conclusion: The COVID-19 epidemic has pushed the use of virtual courts in India, which has had a huge impact on how the legal system functions now. The Indian judiciary has taken a number of steps to ensure the successful adoption of virtual courts, including building an e-courts platform and publishing guidelines.

Virtual courts are relevant and necessary in the new normal because they provide a number of advantages like increased access to justice, a smaller case backlog, and financial savings. Furthermore, during the pandemic, when virtual hearings were held in numerous courts throughout India, it was demonstrated how well virtual courts administer justice.

The introduction of virtual courts is not without difficulties though, including infrastructural and technical problems, security issues, connectivity problems, and access problems. To ensure the efficient operation of virtual courts, these obstacles must be removed.

Ultimately, the government, judiciary, and other stakeholders' efforts will determine how effectively virtual courts are implemented into the Indian judicial system in the future. The successful adoption of virtual courts has the potential to revolutionise the Indian legal system and lead to a more streamlined, effective, and accessible justice system.

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