Introduction:

- Amidst the national lockdown, the Supreme Court and several other courts have been holding virtual proceedings.
- A question of concern to the Bar is whether virtual courts have become the “new normal” and whether it means a move away from the idea of open courts towards technology-based administration of justice without the physical presence of lawyers and litigants.

Virtual courts:

**What is Virtual court?**

Virtual Court means a virtual magistrates’ court created by video links between police custody suites and a magistrates’ court together with an electronic document sharing system to which all relevant parties have access.

- Chief Justice of India S.A. Bobde emphasises that virtual courts are open courts too and that one cannot describe them as closed or in camera proceedings. The correct way of framing the difference, he says, is to call them virtual courts as distinct from “courts in congregation”.

Reasons for approving virtual court during COVID-19

- That access to justice is not denied to anyone; and
- The need to maintain physical distancing.

Demands of Supreme Court Bar Association:

- The Supreme Court Bar Association has written to the CJI and other judges that **open court hearings should be restored** at the earliest, subject of course to the lockdown ending.
- Citing earlier judgments on the importance of open court hearings, the SCBA has requested that the use of video conferencing should be limited to the duration of the current crisis, and not become the “new normal” or go on to replace open court hearings.
- SCBA also has a specific request: that proceedings held virtually may also be streamed live so that access is not limited to the lawyers concerned, but is also available to the litigants and the public.

Way ahead

- These issues can be resolved through live-streaming.
- In the longer term, it should become the general practice. As the use of technology is stepped up, courts should consider other steps that will speed up the judicial process and reduce courtroom crowding.
- In the lower courts, evidence could be recorded, with the consent of parties, by virtual means.
- In the higher courts, a system based on advance submission of written briefs and
allocation of time slots for oral arguments can be put in place.
- It may even lead to more concise judgments.
- Despite the possibility of technical and connectivity issues affecting the process, one must recognise that virtual hearings are no different from open court conversations, provided access is not limited.

eCourts Project

- The eCourts 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 eCommittee, Supreme Court of India with a vision to transform the Indian Judiciary by ICT enablement of Courts.
- Ecommittee is a body constituted by the Government of India in pursuance of a proposal received from Hon'ble the Chief Justice of India to constitute an eCommittee to assist him in formulating a National policy on computerization of Indian Judiciary and advise on technological communication and management related changes.
- The eCourts Mission Mode Project, is a Pan-India Project, monitored and funded by Department of Justice, Ministry of Law and Justice, Government of India for the District Courts across the country.

THE PROJECT ENVISAGES

- To provide efficient & time-bound citizen centric services delivery as detailed in eCourt Project Litigant's Charter.
- To develop, install & implement decision support systems in courts.
- To automate the processes to provide transparency in 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.

Virtual courts established at Delhi:

- To facilitate online payments of traffic challans, Delhi’s first ‘virtual court’ has been launched at Tiz Hazari courts.

  - The Delhi District Courts under the aegis of the E-Committee, Supreme Court of India launched the virtual court’s web portal for online payment of traffic challans.
  - The portal will cater to traffic challans digitally generated by the Delhi Traffic Police via the E-Challan application developed by the NIC.
  - The digital challans generated through the e-challan application will be sent in digital form to the court and all the challans for the given day will reflect in the dash board of the virtual court Judge.
  - The court as per section 208 of the Motor Vehicles Act, 1988 will issue summons to the violator via mobile phone and email id of the violator.