

Research Article

Administration of Justice in the time of CORONA: Is Information Technology the Only Solution?

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A B S T R A C T

Whole world is under the grip of corona virus. Social distancing is the most important step to prevent the transmission of the corona virus. Countries have announced lock downs and shut downs to achieve social distancing. "Work from home" is new normal working style. The apex court and High Courts have adopted various measures to minimise the physical presence of lawyers, parties, court staff and media in courts across the country and to ensure the continued administration of justice. The present paper examines the role of information technology in achieving the social distancing measures taken by Courts in India.

Keywords: Information Technology, CORONA, E-courts, Supreme Court of India, Article 142

Introduction

Covid-19 virus made its maiden presence in the month October 2019 in China. The disease spread like forest fire in the entire world. Almost all the countries of World including India is also struggling against corona virus. Scientists around the globe are trying hard to get medicine and vaccine to fight this virus. Till some cure in form of vaccine or medicine is available, prevention is the only solution to save mankind. Intensive testing, Hand washing, personnel hygiene and social distancing are followed globally to contain the spread of virus.

The Lockdown solution itself is a problem. Lockdown hampered normal life of people. Information technology is helping people in carrying out many activates like online classes replaced traditional classes in schools and colleges, e-commerce¹ took front seat in delivering necessary supplies, video conferencing platforms becomes new board rooms. Lockdown has become a bottleneck to Indian administration

of justice. Almost all Courts across the country are closed, and only the most important cases being heard. On March 23, 2020 the Supreme Court decided to begin conducting virtual hearings through video conferencing. For such hearings, judges would hear the case from their residence or chambers with lawyers joining the proceedings from their homes or offices.

Decision taken by honorable Supreme Court of India

Article 142 of Constitution of India provides power to Supreme Court of India to issue directions for doing complete justice. Its role become more crucial in the times of crisis like the one, India is facing now days. Various orders by the Supreme Court in the time of the Coronavirus pandemic include one on March 24, 2020 on prison overcrowding and the early release of prisoners to reduce the risk of virus transmission in jails. The apex court ordered states to set up panels to identify which of the 466,000 prisoners

¹Electronic commerce, refers to the buying and selling of goods or services using the internet, and the transfer of money and data to execute these transactions

could qualify for early release or parole. Virtual hearings have also meant that some of those arrested during the lockdown have had hearings and been granted bail. Hearings on important cases, like those relating to habeas corpus² proceedings, are also being conducted digitally. Cases related to the Coronavirus are also being heard in this manner.

All measures that have been and shall be taken by apex Court and by the High Courts, to reduce the need for the physical presence of all stakeholders within court premises and to secure the functioning of courts in consonance with social distancing guidelines and best public health practices shall be deemed to be lawful.

The Supreme Court of India and all High Courts are authorized to adopt measures required to ensure the robust functioning of the judicial system through the use of video conferencing technologies.

Consistent with the peculiarities of the judicial system in every state and the dynamically developing public health situation, every High Court is authorised to determine the modalities which are suitable to the temporary transition to the use of video conferencing technologies.

The concerned courts shall maintain a helpline to ensure that any complaint in regard to the quality or audibility of feed shall be communicated during the proceeding or immediately after its conclusion failing which no grievance in regard to it shall be entertained thereafter. The District Courts in each State shall adopt the mode of Video Conferencing prescribed by the concerned High Court.

The Court shall duly notify and make available the facilities for video conferencing for such litigants who do not have the means or access to video conferencing facilities. If necessary, in appropriate cases courts may appoint an amicus-curiae and make video conferencing facilities available to such an advocate.

Until appropriate rules are framed by the High Courts, video conferencing shall be mainly employed for hearing arguments whether at the trial stage or at the appellate stage. In no case shall evidence be recorded without the mutual consent of both the parties by video conferencing. If it is necessary to record evidence in a Court room the presiding officer shall ensure that appropriate distance is maintained between any two individuals in the Court

The presiding officer shall have the power to restrict entry of persons into the court room or the points from which the arguments are addressed by the advocates. No presiding officer shall prevent the entry of a party to the case unless such party is suffering from any infectious illness. However,

where the number of litigants are many the presiding officer shall have the power to restrict the numbers. The presiding officer shall in his discretion adjourn the proceedings where it is not possible to restrict the number.

Role of Information Technology in Criminal Justice System

This is era of information technology. The corona virus crisis increased our dependence on IT. The progress India achieved in IT sector is providing its dividend now. Authors recommend following solutions for administration of justice during CORONA Pandemic:

More and more courts may encourage virtual hearings through video conferencing, it will provide flexibility to all the stakeholders like Judges, Advocates, Parties etc. to work from their places i.e. office, resident etc. Many Jails like Central Jail of Agra already have Video conferencing infrastructure. Technology will help state to save lots of resources required for presentation of jailed accused to the courts. Hearings on important cases, like those relating to habeas corpus proceedings, should be conducted digitally. Cases related to the Coronavirus must also be heard in this manner. This will help increase the speed of justice.

Filing of lawsuits online at various courts must be encouraged. Lots of money and effort is required to file a new case. This process becomes very complex in case party is from a faraway place from Delhi. Signing a vakalatnama³ or signing of Affidavit and sending it to AOR is very time consuming. Efforts required both in terms of time and money can be reduced to a great extent by e-filing. E-filing is already very successful for Income Tax and GST returns.

Legal notices must be issued digitally for timely delivery. These days speed post facility which is fastest facility in India is down. Registered letters taking lots of time which is again delaying the administration of justice.

For minor cases Artificial Intelligence⁴ may be used. Algorithms must be developed using AI for fast disposal of the cases. Though we are in natal stage, nevertheless Indian software professionals are capable of developing systems based on artificial intelligence.

Conclusions and Future Directions

Information technology is changing the traditional ways of working. It's a high time to adapt it the working of our criminal justice system. IT can change the way our courts work. Court mostly require audio reinforcement, evidence presentation, technology-based court record (including possible web streaming for public transparency purposes) and remote court reporters and transcriptionists, assistive

²A writ requiring a person under arrest to be brought before a judge or into court, especially to secure the person's release unless lawful grounds are shown for their detention.

technology for those with disabilities, and the increasingly important use of audio and video technology for remote appearances. Remote appearances include remote first appearance and arraignment for criminal defendants; remote motion practice; remote ADR and settlement conferences; remote witness testimony, including experts and mental health court defendants; remote interpreters; and even remote judges, counsel, and jurors.

IT can speed up the justice process. Time spent traveling to and from the court can be reduced or eliminated, which allows for greater productivity for judges and advocates. With less time wasted in travel to the courtroom, more cases can be handled and at a faster pace. This enhances the justice experience for citizens as they spend less time waiting for the legal process to unfold, decisions upon which often have major impacts on their lives and businesses

References

1. https://main.sci.gov.in/supremecourt/2020/10853/10853_2020_0_1_21588_Judgement_06-Apr-2020.pdf visited on 23-05-2020 09:46 AM
2. <https://www.indiatoday.in/india-today-insight/story/justice-in-the-time-of-covid-19-1662330-2020-04-01> visited on 23-05-2020 09:50 AM
3. WRIT (CIVIL) NO.5/2020
4. <https://www.polycom.com/content/dam/polycom/common/documents/whitepapers/courtroom-video-applications-whitepaper-enus.pdf>
5. <https://www.fedcourt.gov.au/digital-law-library/judges-speeches/chief-justice-allsop/allsop-cj-20190326>
6. Article 142 of constitution of India.
7. Chaudhary PN. Use of Information Technology in Indian Court Administration. General Management ISSN: 2230-9667. Chronicle of the Neville Wadia Institute of Management Studies & Research 172.
8. Upadhyay AC. Information & communication technology and judiciary.
9. Ambwani S. Information and Communication Technology in Courts. National Judicial Academy, Bhopal.
10. Seetharaman G. How countries are using technology to fight coronavirus. The Economic times.