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Judiciary ideates digitally transformed Courtrooms

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"The Internet is becoming the town square for the global village of tomorrow." - Bill Gates



IT was during the Covid times that the Internet was crowned as a judicial convenor. The nation thought the appointment was ad hoc. Little did we know that the judicial convenor would hold an everlasting cathedra in the administration of justice. Notwithstanding its shortcomings, various High Courts have resorted to the Internet to accelerate and revamp Court procedures. Some of the significant recent rulings in this direction are mentioned below.

Vaishak vs State of Kerala (2024:KER:69867): The Hon'ble High of Kerala, in expressing concerns while addressing the matter of non-issuance of readable certified copies of depositions to the parties by Trial Courts has opined that;

- The availability of new age technologies like digital recording, transcription of depositions, speech-to-text conversion software, etc., must be put to use in adjudication process.
- Though the practice of writing depositions of witnesses contributes to logical reasoning, the use of technology guarantees efficient results.
- The judge asserted that Courtrooms need to discontinue long drawn procedures that impede administration of justice and learn to cope with the transitional world.

Thusly, the Hon'ble Court advised the Registry to explore the prospect of equipping Trial Courts with advanced technologies and provide appropriate training through Judicial Academy to promote its use.

M. K. Gopalan vs The Secretary, REC Multi Purpose Co-operative Society & Ors., (2024:KER:50823): In respect of a Writ Appeal filed, the Registry had issued defect notices to the appellant for failure to upload the Writ Petition along with the Writ Appeal in the website of the Court. The appellant contended that when the original records produced in the Writ Petition are available with the Registry, asking them to upload copies of the same is against the principles of conservation, which each citizen is duty bound under the Constitution of India. Turning to the aid of Internet, the Hon'ble High Court issued the following directions to Registry;

- To Tag all the documents submitted by both sides in any Writ Petition filed online and form a consolidated case bundle.
- When a Writ Appeal arises out of the same, the Registry has to digitize all documents within six days from registration and tag them with the WP case bundle and also incorporate scanned copy of the pleadings.
- If physical order sheet needs to be tagged along with a Writ Appeal, same shall be scanned and uploaded by the Registry itself.

These detailed directions show that the judiciary has begun to envision a near future scenario where

there are fully functioning e-filing portals that ease the litigation process.

Shabana vs. Govt of NCT of Delhi & Ors. [W.P.(CRL) 1563/2024]: Akin to the above cases, the Hon'ble Delhi High Court has sought the help of social media to offer training programmes to online platforms & officials concerned in ensuring adherence to proper timelines to avoid delay in tracing out missing persons. The Hon'ble Court served notices to few social media platforms like Google, WhatsApp, Telegram, etc., directing them to place on record their SOP that deals with requests by law enforcement regarding such information.

Even though technology offers a wealth of positives, it has a handful of drawbacks that needs attention.

The downside of the Internet was witnessed in the case of *Mohd. Umar vs. State of Rajasthan & Ors. [CW/17892/2024]*, wherein during the conduct of virtual hearing, a person named "Justice" joined the proceedings and made scandalous comments on the Court's view in the matter. To combat the stumbling block, directions were given to explore the possibility of modifying the Webex Meetings System in such a manner that the host can provide permission and restrict persons from entering and/speaking in virtual proceedings, as appropriate.

It is also heartening to note that the Hon'ble Supreme Court has been persistently emphasising on the need to use technology in Court Proceedings. Recently, when the Apex Court was hearing a matter where the grievance was that the Judges are insisting on physical presence of lawyers, it was sternly observed that technology was not meant only for the pandemic but "*is here to stay for future, forever*". The Chief Justice who was a part of the bench that heard the case said, "*I think all Chief Justices of High Courts need to learn that they have to be on board. There are no exceptions.*" Further, the directions given by the Supreme Court to the Government to ensure that the GST Tribunals are paperless also reveals the mindset of the top judiciary in the country to move towards total digitization.

Every benefit comes with a restriction. While the Judiciary has permitted the usage of Internet's benefits in judicial processes, it is yet to come up with restrictions. When the Judges are open to incorporate modern technology in Courtroom proceedings, it is upon us as responsible citizens to use it wisely.

[The views expressed are strictly personal.]

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