



**A STUDY ON IMPACT OF COVID-19 TO INITIATE
DIGITALIZATION OF COURT PROCEEDINGS AND
CHALLENGES AT HON'BLE HIGH COURT OF PUNJAB AND
HARYANA**

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ABSTRACT

To prevent the spread of covid-19 virus, our legal system has decided on to take few measures with respect to its functioning and proceedings. The Hon'ble Supreme Court has made few decisions with respect to the relaxation given to advocates from wearing heavy clothes, legal case proceedings with video conferencing using various digital platforms like Zoom, Microsoft Teams, etc. In the process of doing many problems and challenges are being faced, this study highlights it and tries to identify alternative solutions. For collecting data, a well-structured questionnaire was used to get data from the respondents who are lawyers. The major problem found was with the internet connectivity, technology adoption and resistant to changing procedure.

Key words: Covid-19 Impact, Legal System, Supreme Court Guidelines, Virtual Proceedings, Digitalization

INTRODUCTION TO HIERARCHY OF INDIAN COURTS

The Indian legal system is having courts to solve the different controversial matters between citizens and states. The hierarchy of courts in India is as follow:

- 1) Supreme Court - Highest level of court in India having the purpose to maintain law and order in the country.
- 2) High Court - High Court is functioning at regional or state level and in total there are 24 high courts in India. Civil and criminal cases are solved in High Courts.
- 3) District Court - In each district there is a district court depending on the population, number of cases, etc. the district court solves cases coming under its jurisdiction.

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**DIRECTIONS AND GUIDELINES ISSUED BY HON'BLE SUPREME COURT &
HON'BLE HIGH COURT RELATED TO COVID-19**

Guidelines for Video Conferencing/Tele Conferencing to Conduct Virtual Proceedings:

As per guidelines given by Hon'ble Supreme Court, court hearings must be conducted virtually on VIDYO platform. It is also advised that the broadband connection of at least 2 Mbps is required, 4G connectivity, and it must be ensured that no other device is connected to broadband at the same time.

The link to join the meeting is sent to the parties before a half an hour on the registered mobile number or on the e-mail address.

Exemption from heavy upper body clothing for Advocates while appearing before Hon'ble Virtual Court:

The Hon'ble Supreme Court allowed the advocates to enjoy relaxation of wearing coat, jacket, etc. They can wear plain white band, but also keep in mind to maintain decorum before virtual proceedings.

Directions related to mentioning and e-filing of the cases

It is the responsibility of advocates or parties involved to make e-filing of cases which are involving urgency. The application mentioning it must be sent to mention.sc@sci.nic.in.

REVIEW OF LITERATURE

Dr. (Smt.) Rajeshwari M. Shettar (2019) said that digitalization has made possible to view data anytime and human errors decreases. The physical premises are replaced by online platforms. Digital banking allows to pay bills, check bank balance, fund transfers, etc.

Ashish Baghla (2018) said that it will take time to move towards complete cashless economy. Wallets such as PhonePe and Paytm are trying in this direction of digitalization but, the major problem found with this is lack of information and awareness. People are still scared of any online fraud that might occur.

Ashutosh D Gaur (2016) said that the study is all about the impact of Digital India on Make in India initiative. For this Make in India initiative large lands are provided to companies producing IT hardware goods and electronic goods.

Shalini Seetharam Sumathi Chandrashekar (2016) said that there is no proper execution of the e-courts program in India. A lot of mismanagement has been found on several areas right starting from its planning, budget allocation and disbursement, inaccurate forecasting, no proper resource allocation, and lack of coordination.

RESEARCH METHODOLOGY

Problem Statement

With the outbreak of Covid-19, it was necessary for Courts across India to adopt to virtual hearings through video conferencing, e-filings of legal cases. But this decision faced many problems such as lack of internet connectivity, lawyers not much comfortable with the technology suddenly, only urgent cases were proceeded, etc. So, the problem statement for this study is “**A Study on impact of Covid-19 to initiate digitalization of Court proceedings and challenges At Hon’ble High Court of Punjab and Haryana.**”

Research Objectives

- ✓ To identify the problems and challenges faced by courts in conducting the virtual hearings.
- ✓ To find out the problems faced by Lawyers with regards to internet connectivity, difficulty in adoption of new technological changes.
- ✓ To identify the impact of Covid-19 with regards to hearing of cases which needs immediate attention.

RESEARCH DESIGN

The design of this study is descriptive in nature as it aims to describe impact of Covid-19 to initiate digitalization of Court proceedings and challenges At Hon’ble High Court of Punjab and Haryana.

SAMPLE SIZE AND METHOD

A total of 120 lawyers were approached practicing in Hon’ble courts of Punjab & Haryana to gather the data. Out of 120 lawyer we get proper response from 90 lawyers and the method used for collecting data is non-probability convenience sampling method.

SOURCES OF DATA

Primary Source for data was a well-structured questionnaire used as a tool for data collection. And other was secondary source of data which was taken from the directions and guidelines for Covid-19 issued by Hon’ble Supreme Court of India.

DATA COLLECTION & INTERPRETATION

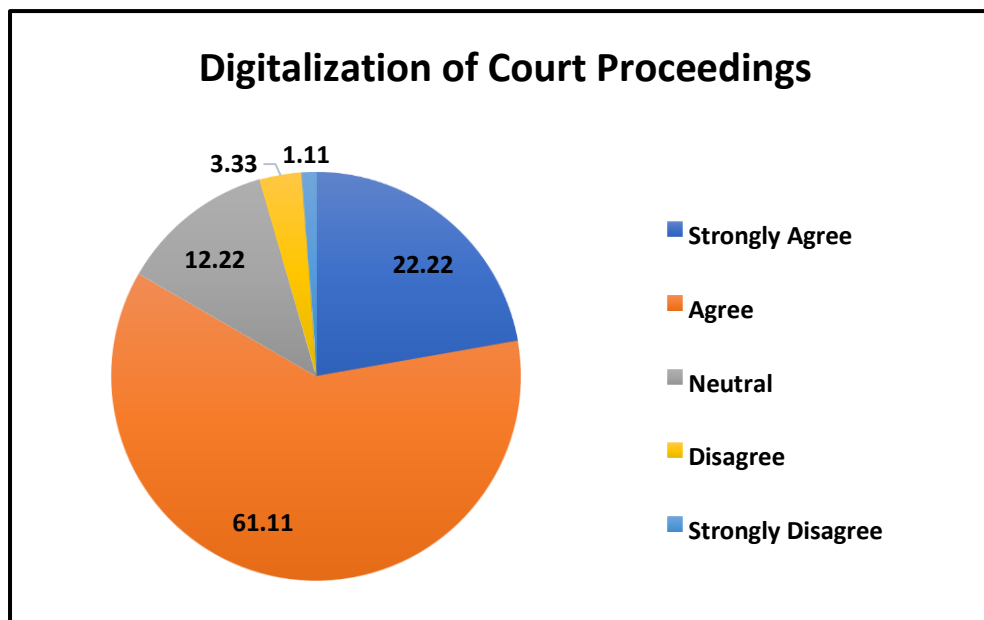
In your Opinion, whether digitalization of court proceedings leads to increase the transparency in the judicial system?

Table 1

Table showing digitalization increase transparency in judicial system

Particular	Response	Percentage
Strongly Agree	20	22.22
Agree	55	61.11
Neither Agree nor Disagree	11	12.22
Disagree	3	3.33
Strongly Disagree	1	1.11
Total	90	100%

Graph 1



Interpretation:

From the above graph, it is seen that majority of respondents i.e., 61.11% agree that digitalization of court proceedings increases transparency in legal jurisdiction.

HYPOTHESIS TESTING

For Hypothesis testing, the respondents were approached for knowing their views on virtual proceedings of courts during Covid-19. Respondents gave their view on Likert scale ranging from 1 to 5, were, 1- Strongly Disagree and 3 – Neutral and 5 – Strongly Agree.

H₀: There is no significance difference in the opinion about digitalization in court proceedings during COVID-19

H₁: There is significance difference in the opinion about digitalization in court proceedings during COVID19

ANNOVA:

Source of Variation	SS	Df	MS	F	P-Value	F Crit
Between Groups	1105.872	15	73.72477	74.5777262	0.0000	1.67341
Within Groups	1407.722	1424	0.988569			
Total	2513.594	1439				

INTERPRETATION

To compare the opinion about digitalization in court proceeding during pandemic ANOVA test has been applied. The result of ANOVA test in above table indicates that at 5% level of significance there is significance difference in the opinion about digitalization in court proceedings during COVID-19. So null hypothesis is rejected.

FINDINGS

- Digitalisation of Court proceedings in Virtual Courts results in increase of transparency in the Judicial system. Familiarisation with the technical issues and storage of data related to Court proceedings are major issues.
- Proceedings in Virtual Courts plays vital role for speedy trial of the cases.
- Proceedings in Hon'ble Virtual Courts has very less access to justice for poor and Indigent person.
- Judicial time is not efficiently managed in Virtual Court proceedings
- Virtual Court hearings are the way ahead towards Digital India.

- There is need to amend relevant laws to deal matter in Virtual Courts

- Less Internet connectivity is major issues especially from rural area in conduct of proceedings before Virtual Court.

- Problem of heavy backlog of cases is not solved for conduct of proceedings in Virtual Court.

CONCLUSION

The virtual court hearings due to Covid-19 has increased the transparency in legal processing.

Guidelines for smooth functioning of court proceedings are followed given by Hon'ble Supreme Court and Hon'ble High Court of Punjab and Haryana. Difficulty to adopt new technology and poor internet connectivity are major issues. Only cases which need immediate attention are processed, and rest all are neglected till the situation gets normalized. Virtual hearings have limited the spread of Covid-19 in the court Premises. To solve the issues such as, difficulty of technology adoption, lawyers must be given training. Government must make necessary arrangement for smooth internet connectivity. Along with urgent cases, attention to other cases must be given it's the right of every citizen to get justice.

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