

ACCESSING JUSTICE ONLINE

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

With Indian courts too under a lockdown for three weeks (and probably more), citizens have severely restricted access to justice for this period. However, the deeper malaise is the complete inability of the conventional court system to deliver timely justice. This shakes the very foundation of the polity on which we rest our constitutional promises. Collectively, the conventional court system appears to have heaved a frustrated sigh and dropped the challenge instead of picking up the gauntlet.

Technology, however, now provides us an opportunity to meet the challenge headlong. The Kerala High Court did exactly that on March 30, 2020. It created history by not only conducting proceedings through video conferencing but also live streaming the proceedings. The judges conducted the hearing from their homes. Nearly 30 urgent matters were taken up for hearing, including bail applications and writ petitions, and were disposed of. The advocates concerned and law officers also participated in the proceedings from their respective offices. This is truly epochal. This example must be institutionalised and eternalised.

To achieve this, the government must establish an effective task force consisting of judges, technologists, court administrators, skill developers and system analysts to draw up a blueprint for institutionalising online access to justice. Such a task force must be charged with the responsibility of establishing hardware, software and IT systems for courts; examining application of artificial intelligence benefiting from the data base generated through e-courts projects; establishing appropriate e-filing systems and procedures; and creating skill training and recognition for paralegals to understand and to help advocates and others to access the system to file their cases and add to their pleadings and documents as the case moves along. Once the blueprint is ready, the High Courts across the country may refer the same to the Rule Committee of the High Court to frame appropriate rules to operationalise the e-court system.

The facility must not only enable access to courts but must provide access to justice through other processes as well. Let us take an example. The government, both at the Centre and the States, has innumerable poverty alleviation and distress eradication schemes. If all these schemes were properly implemented, there would be very little poverty or distress in India. So, why does this not happen? There is scant awareness amongst the beneficiaries about these programmes. What is the scheme about? How does one apply? Where does one procure the application forms? What is the next step? Within what time is the authority expected to respond? What is one to do if he or she does not? The answers to these questions remain a mystery to the beneficiaries. They invariably come up against a wall which they are unable to surmount. Now, if all this information is provided comprehensively at the grassroots levels and made available online in as many Indian languages as possible, it could be a huge step in creating awareness. Once this happens, it follows that more and more applications will be generated.

So, what does all this have to do with accessing justice? While these schemes look rosy on paper, without implementation and accountability there is no justice to the aggrieved citizens. It is in addressing this problem that the Legal Services Authorities Act of 1987 and the officers functioning under them all over the country can play a huge role. If there is difficulty in accessing these schemes, a system must be set in place for the applicant to lodge online complaints with the Legal Services Authorities who can then ensure accountability and effective implementation. The local panchayat, municipal or corporation office, or any well-intentioned NGO can assist the complainant to make these online complaints to the Legal Services Authority if the complainant

is unable to do so directly. The officers under the Legal Services Authorities Act may then be authorised to hear the complaints online and to direct delivery of redress to the aggrieved complainant in accordance with the law in a time-bound manner.

This is just one of the myriad ways in which access to justice can be enhanced exponentially while simultaneously reducing the burden on conventional courts. The other facilities that would help access to justice are online mediation, arbitration, counselling in family court matters, quick settlement of disputed insurance claims, and many more. India is a land where skilled human resource is rarely lacking. If we can pick up the will power to do all of the above, justice will become an accessible concept to everyone.

N.L. Rajah is Senior Advocate, Madras High Court

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