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IMPACT OF COVID-19 PANDEMIC ON INDIAN JUDICIAL SYSTEM

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Abstract:

"Necessity is the mother of invention."

In the presented research paper, the impact of the Covid-19 pandemic on the Indian judicial system have been studied. Covid-19 is also known as Coronavirus. It is a highly infectious virus which has affected the entire human life. The Covid-19 pandemic changed the entire scenario globally in terms of economy, tourism, industry, supply chain disruption, trade etc. Covid-19 rendered a large population unemployed and due to this many people lost their lives. The World Health Organization officially declared Covid-19 a pandemic on 11 February 2020. Covid-19 affected every person and area, similarly it also affected our judicial system. The Covid-19 effected to Indian judicial system positively as well as negatively. Virtual court system implemented for first time in the history of Indian legal system. In the virtual court system, procedure conducted through the video conferencing, e-filing allowed, work home started, extend the limitation period for file appeal, and use ADR mechanism for given justice to the aggrieved party. Lockdown was imposed during Covid-19, yet even during the lockdown, the judiciary did not stop functioning but adopted a new method to provide justice.

The Indian judiciary has taken suo moto cognizance in many cases or acted upon the filing of PILs. During the period of the Covid-19 pandemic, the judiciary issued several guidelines for proper functioning in various sectors. However, the virtual court system has faced some difficulties due to lack of strong cyber security, improper connectivity and lack of infrastructure. The Covid-19 pandemic has provided a golden opportunity to modify and develop our judicial system to deal with such emergency situations so as to make it more powerful and suitable so that simple, speedy and accessible justice can be provided to the people without any delay. Changes were also made in the existing law to deal with the

pandemic and the government also issued various guidelines to deal with the lockdown situation. Laws are already in place to deal with the Covid-19 pandemic.

Key words: Virtual Court, Covid-19, Pandemic, Video conferencing, Judicial System.

Introduction

The Covid-19 pandemic, also known as Coronavirus, was one of the most unprecedented global crises of the 21st century. Officially declared a pandemic by the World Health Organization (WHO) on 11 February 2020, it drastically altered the lives of people across the world. Apart from causing health emergencies, it also shook economies, disrupted global supply chains, slowed industries, and rendered millions of people jobless. India too was deeply affected, not only in terms of economy and public health but also in the functioning of its judicial system.

Judiciary Amidst the Pandemic

The Indian judiciary, which has traditionally been rooted in in-person court proceedings, was compelled to evolve in the face of strict lockdowns and social distancing measures. Despite severe restrictions, the judiciary ensured that access to justice did not come to a complete halt. For the first time in the history of the Indian legal system, the concept of virtual courts was implemented.

Through video conferencing, e-filing of petitions, and remote hearings, justice delivery continued even in the absence of physical courtrooms. This transformation reflected the resilience of the judiciary, as it adopted digital technology to safeguard the fundamental right of access to justice.

Positive Impacts of Covid-19 on Judiciary

1. Introduction of virtual Courts

For the first time, proceedings were conducted through video conferencing. Litigants and lawyers could participate without physical presence, ensuring continuity of justice. The virtual court system refers to a technology driven mechanism of conducting judicial proceedings through electronic means, primarily by using video conferencing, e-filing of cases and online delivery of orders. Unlike the conventional courts where judges, lawyers, litigants, and witnesses are required to be physically present in courtroom, virtual courts enable all stake

holders to participate remotely from their respective locations. The Covid-19 outbreak in 2020 a situation where physical courts functioning was neither safe nor possible due to lockdown and restrictions. To ensure that "Justice shall not be denied even in extraordinary times", the Indian judiciary adopted the system of virtual hearings. During Covid-19 Pandemic, all levels of Judiciary, including the Supreme Court and High Courts, switched to video conferencing mode for hearings. Litigants were allowed to file petitions online and make payment digitally, reducing dependency on physical paperwork, lawyers and litigants could join proceeding from anywhere, thus saving time, cost and travel. The Supreme Court invoked its power under article 142 of the constitution to pass orders allowing nationwide use of video conferencing.

In **Swapnil Tripathi v. Supreme Court of India** the apex court had already recognized the importance of technology by allowing live streaming of constitutional bench proceedings. This laid the foundation for broader acceptance of virtual hearings.

This case was filed as a Public Interest Litigation by law student Swapnil Tripathi along with others seeking live streaming of court proceedings, especially in matters of constitutional importance. The petitioners argued that transparency and access to justice under Article 21 and Article 19(1) (a) required that citizens be able to witness hearings of cases affecting public interest. The Supreme Court observed that courts are public institutions and justice must not only be done but also be seen to be done. Live streaming would allow citizens, researchers, and law students to learn and participate in democracy, without overcrowding courtrooms.

In its judgment, the Court held that live streaming of cases of constitutional and national importance is permissible, subject to safeguards like protecting privacy, sensitive matters, and witness security. It laid down model guidelines for the introduction of live streaming in courts. This decision was historic as it introduced the idea of "open courts in the digital age." During the COVID-19 pandemic, the judgment gained special relevance because courts relied on video conferencing and virtual hearings. The principles laid down in Swapnil Tripathi helped in legitimizing wider use of technology in judicial proceedings. The case is thus a milestone in promoting transparency, accountability, and accessibility in the Indian judiciary.

2. E-Filing of Cases

Litigants and Lawyers could file cases online, thereby saving time and resources. E-Filing refers to the process of filing petitions, appeals, suits or any other legal documents through

online digital platforms. In India, the system of E-filing was introduced under the National e-governance Plan (NeGP) and the e-courts mission Mode Project.

In Re: Guidelines for Court functioning through video conferencing- The Supreme Court directed all courts to adopt e-filing during e-filing and video Conferencing during Covid-19. The outbreak of COVID-19 and the nationwide lockdown in March 2020 created unprecedented challenges for the functioning of courts across India. Physical hearings were impossible due to health risks and restrictions on movement. Recognizing this, the Supreme Court of India took suo motu cognizance under the title In Re: Guidelines for Court Functioning through Video Conferencing during COVID-19 Pandemic. The Court noted that access to justice is a fundamental right under Article 21 and cannot be suspended even during emergencies. To balance health concerns with judicial functioning, the Court held that technology must be adopted to ensure continuity of justice delivery.

The Supreme Court directed all High Courts to frame rules for conducting hearings via video conferencing. It clarified that virtual hearings would be legally valid and binding. The Court also allowed the use of electronic filing of cases, digital signatures, and online communication of orders. Further, it emphasized that priority should be given to urgent matters like bail, habeas corpus, and protection of fundamental rights. Importantly, the Court stated that video conferencing was not a substitute but a necessary adaptation to ensure functioning of courts in extraordinary times. It also encouraged the use of technical infrastructure to strengthen the long-term digital future of Indian judiciary.

This judgment is significant because it transformed the justice system by officially recognizing virtual courts. It safeguarded citizens' access to justice during the pandemic and laid the foundation for modernization of judicial processes in India.

3. Extension of Limitation Periods

The Supreme Court suo moto extended deadlines for filing appeals and petitions, ensuring fairness in extraordinary times. The concept of limitation period refers to the maximum time within which a legal action, appeal, or petition can be filed before a court of law. These time limits are governed in India primarily by the Limitation Act, 1963. Once the limitation period expires, the right to approach the court is lost, even if the substantive right still exists.

During the Covid-19 pandemic, strict lockdowns and restrictions made it impossible for litigants to approach courts in time. Recognizing this difficulty, the Supreme Court of India extended the limitation periods to ensure that justice is not denied due to extraordinary circumstances.

In Re: Cognizance for Extension of Limitation- On 23 March 2020, the Supreme Court ordered that the period of limitation in all proceedings—whether under general law or special laws—before all courts, tribunals, and authorities across India shall stand extended with effect from 15 March 2020 until further orders.

The Extension of Limitation Periods during the Covid-19 pandemic is a landmark example of the judiciary's proactive role in safeguarding access to justice. By invoking Article 142, the Supreme Court balanced the principles of law, equity, and fairness. This measure reflects how judicial systems can adapt in times of crisis, ensuring that justice is simple, speedy, and accessible even amidst unprecedented challenges.

4. Promotion of ADR (Alternative Dispute Resolution)

Arbitration, mediation, and negotiation gained relevance as faster and safer modes of resolving disputes during the pandemic. The Covid-19 pandemic caused widespread disruption to traditional court proceedings due to lockdowns, social distancing norms, and closure of physical courts. This situation highlighted the importance of Alternative Dispute Resolution (ADR) mechanisms such as arbitration, mediation, conciliation, and negotiation, which allow disputes to be resolved outside conventional courtrooms in a quicker, cost-effective, and flexible manner.

5. Judicial Activism and Suo Moto Cognizance

The judiciary actively intervened by issuing guidelines for the protection of migrant workers, healthcare management, and other critical matters through PILs and suo moto actions. The judiciary actively monitored executive actions. For example:

- Protection of migrant workers.
- Ensuring proper healthcare facilities.
- Monitoring the distribution of oxygen, vaccines, and essential drugs.

The judiciary actively monitored executive actions. Some important examples include:

In Re: Problems and Miseries of Migrant Labourers – The Supreme Court took suo moto cognizance of the hardships faced by migrant workers during the lockdown and directed states to provide food, transport, and shelter. The COVID-19 lockdown in India left millions of migrant workers jobless, homeless, and stranded far away from their native places. With no wages, food, or transport facilities, many were forced to walk hundreds of kilometres, facing hunger and even death on the way. Disturbing reports in the media led the Supreme Court of India to take suo motu cognizance of the crisis.

The Court examined whether the Union and State Governments were fulfilling their responsibilities. While the Government claimed that relief camps, free rations, and Shramik Special trains were arranged, the reality showed serious lapses. Thousands of workers remained hungry and without shelter. The Court observed that Article 21 of the Constitution guarantees the right to life with dignity, which includes access to food, shelter, and livelihood. It held that the State has a constitutional duty to protect these rights, particularly for vulnerable groups like migrant labourers. The Supreme Court directed both Centre and States to provide free food, drinking water, and safe transport without charging fares. Registration of workers was ordered, along with the setting up of relief camps and linking labourers to employment schemes such as MGNREGA.

This judgment is significant because it reinforced the principle of social justice and highlighted the duty of the State to safeguard human dignity in times of crisis. It also reflected cooperative federalism, requiring Centre and States to work together. The case remains a landmark in protecting the rights of the poor and marginalized during emergencies.

In Re: Distribution of Essential Supplies and Services During Pandemic – The Supreme Court examined issues relating to oxygen supply, medicines, and hospital infrastructure, asserting the right to health under Article 21 of the Constitution. During the outbreak of COVID-19 and the nationwide lockdown, several issues arose regarding the availability and distribution of essential supplies such as food, medicines, and medical equipment. The crisis also exposed difficulties in ensuring uninterrupted services like healthcare, sanitization, and supply chains. In this background, the Supreme Court of India took suo motu cognizance of the matter under the title In Re: Distribution of Essential Supplies and Services During Pandemic.

The Court recognized that the right to life under Article 21 includes the right to access basic necessities, healthcare, and essential goods. It observed that any disruption in the supply of such items would directly affect the survival and dignity of citizens, especially the poor and vulnerable. The Supreme Court directed both the Centre and State Governments to ensure smooth supply and equitable distribution of food, medicines, oxygen, PPE kits, and other essential items. It also stressed that no artificial scarcity or black marketing should be allowed during the pandemic. The Court asked governments to maintain transparency, set up grievance redressal mechanisms, and coordinate with local authorities to ensure effective delivery.

This judgment is important because it highlighted the duty of the State to protect the fundamental rights of citizens during emergencies. It underlined that public health and essential supplies are not privileges but part of the constitutional guarantee of life with dignity. The decision stands as an example of judicial intervention to secure social justice and accountability in times of crisis.

Alakh Alok Srivastava v. Union of India – A PIL filed for protection of healthcare workers; the Court directed the government to ensure proper safety gear (PPE kits) for doctors and nurses. This case arose during the COVID-19 lockdown when advocate Alakh Alok Srivastava filed a Public Interest Litigation before the Supreme Court. The petition highlighted the plight of migrant workers who were left stranded without food, shelter, and wages due to the sudden lockdown. It was argued that immediate intervention was needed to protect their right to life under Article 21.

The petitioner requested the Court to ensure timely payment of wages, free transport to native places, and basic necessities for all stranded workers. The Union Government responded that it had taken adequate measures such as setting up relief camps, providing food grains, and launching Shramik Special trains for transportation. The Supreme Court, while acknowledging the seriousness of the situation, initially relied on government assurances and did not pass detailed directions. However, as the crisis deepened, the Court later in suo motu matters (like *In Re: Migrant Labourers*) issued stronger orders to protect the workers.

The significance of this case lies in the fact that it brought the sufferings of migrant labourers to the judicial forefront and acted as a trigger for wider judicial intervention. It underlined that even during emergencies, the rights of the poor and vulnerable remain protected under the

Constitution.

Kajal v. State of Haryana – Though not Covid-specific, the Court highlighted compensation principles that were later applied in pandemic-related relief measures. In this case, the Supreme Court dealt with the question of compensation for a young girl, Kajal, who had suffered severe disability in a road accident. Though the case was not directly about COVID-19, it gained relevance during the pandemic because it emphasized the right to live with dignity under Article 21, especially for the disabled and vulnerable. Kajal, only 12 years old at the time of the accident, suffered 100% disability due to permanent brain damage. The Motor Accident Claims Tribunal and the High Court awarded her compensation, but it was considered inadequate given her lifelong suffering and medical needs.

The Supreme Court enhanced the compensation to ₹2.5 crores, holding that victims of such accidents must be given just, fair, and adequate relief. The Court stressed that financial compensation must ensure a life of dignity, access to healthcare, and social security. During COVID-19, this judgment was often cited to remind the State of its obligation to protect vulnerable groups like the disabled, poor, and marginalized, whose survival and dignity were at greater risk.

The case is significant as it broadened the interpretation of Article 21 and reinforced the principle that compensation is not charity but a constitutional right ensuring a dignified existence, which became especially vital during the pandemic.

Challenges Faced by the Virtual Court System

While the transition to digital platforms was commendable, several challenges hindered its full effectiveness:

Inadequate Cyber Security Measures – Sensitive judicial data faced risks due to weak cyber security systems.

Poor Internet Connectivity – Many lawyers and litigants, especially in rural areas, struggled to participate effectively.

Lack of Infrastructure and Training – Many courts lacked the digital infrastructure and technical expertise to adapt quickly.

Exclusion of Technologically Weak Litigants – Those without digital literacy or access to resources were left behind, raising concerns of accessibility and fairness.

Legal Framework and Government Measures

To deal with Covid-19, several laws and guidelines were invoked:

Epidemic Diseases Act, 1897 – Used for controlling the spread of disease.

Disaster Management Act, 2005 – Empowered the government to impose lockdowns and regulate movement.

Supreme Court Guidelines – Provided flexibility in judicial procedures and safeguarded litigants' rights.

Thus, both judiciary and executive worked together to maintain the rule of law during the crisis.

Long-Term Implications of Covid-19 on Judiciary

The pandemic has provided valuable lessons for the future:

- Digital technology should be institutionalized, not treated as a temporary solution.
- Investment in cyber security and infrastructure is essential.
- Training programs for judges, lawyers, and staff in using digital platforms must be expanded.
- Efforts must be made to ensure inclusivity, so that weaker sections are not deprived of justice due to lack of resources.

Conclusion

The Covid-19 pandemic was both a challenge and an opportunity for the Indian judicial system. On the one hand, it exposed gaps in infrastructure, cyber security, and digital literacy; on the other hand, it accelerated the modernization of the justice delivery system. The adoption of virtual courts and e-filing opened new pathways for ensuring simple, speedy, and accessible justice.

In essence, the pandemic has left behind valuable lessons for the future: the need for a stronger, technologically equipped judiciary that can function effectively even in emergencies. The changes initiated during the pandemic should not be treated as temporary solutions but as stepping stones toward a more robust and inclusive legal system in India.

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