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DECORUM, DIGNITY, AND DUE PROCESS: CONSTITUTIONALISING VIRTUAL COURTROOM CONDUCT IN INDIA

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ABSTRACT

The rise of virtual courtrooms in India, hastened by the COVID-19 pandemic has fundamentally altered how justice is seen, heard, and felt. What was once a solemn physical space, governed by centuries of ritual and decorum, now unfolds across screens, sometimes interrupted by poor connectivity, inappropriate settings, or informal appearances. While digital access helped sustain judicial functioning, it also revealed uncomfortable truths: dignity, decorum, and due process do not always survive the shift from courtroom to chatroom. This paper takes a constitutional and human rights perspective on this transformation. It focuses on troubling incidents where lawyers appeared before judges with glasses of alcohol, or where accused persons joined from bathrooms not merely as lapses in professional conduct, but as moments that expose how dignity and fairness are unevenly distributed in virtual judicial spaces. For some, home becomes a courtroom; for others, a toilet stall is the only private space available. These examples challenge the idea that digital justice is neutral or universally accessible.

Drawing on Article 21² of the Indian Constitution and Article 14³ of the International Covenant on Civil and Political Rights (ICCPR), the paper argues for a clearer, more ethical framework to guide virtual court conduct in India. It proposes a constitutional code rooted in dignity and due process one that aligns with both global human rights obligations⁴ and India's evolving constitutional morality. If justice must now be served across screens, it must still be served with solemnity, equality, and respect.⁵

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² Constitution of India 1950, art 21.

³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14.

⁴ United Nations Human Rights Committee, General Comment No 32: Article 14 (2007) UN Doc CCPR/C/GC/32.

⁵ Bar Council of India, Guidelines for Advocates on Virtual Courtroom Appearance (2021).

Keywords: Virtual courts, dignity, fair trial, Article 21, ICCPR, judicial ethics, digital divide, procedural fairness.

INTRODUCTION

Courtrooms have long been more than just spaces of legal argument they are sites of ritual, authority, and deep moral symbolism. Judges rise when they enter, advocates wear robes, and every gesture is weighed for its formality. Yet in recent years, especially since the COVID-19 pandemic, this physical solemnity has migrated onto screens. Justice today is increasingly digital, and while this evolution was necessary, it has been neither seamless nor neutral. The transition from courtroom to chatroom has raised urgent concerns around **decorum, dignity, and due process**, which are at the heart of both **India's Constitution**⁶ and **international human rights law**.⁷

There have been numerous reported incidents where the integrity of proceedings was visibly undermined. Lawyers appearing virtually with a glass that resembles alcohol, accused persons joining from inside bathrooms or shirtless, and litigants smoking or lying on beds during hearings these are not trivial anecdotes. They reflect a **loss of structure and shared understanding** about what justice demands in appearance and behaviour. In many ways, these episodes expose how **constitutional values, such as dignity and equality before the law, can erode without spatial rituals or institutional safeguards**. Under **Article 21 of the Indian Constitution**, the right to life includes dignity and fairness in legal proceedings. But what does dignity mean when one's only option is to log in from a shared room, or a washroom, due to lack of private space? Does due process still hold when a lawyer fails to appear sober or presentable, thereby undermining their client's representation? These are no longer theoretical questions they are real challenges now confronting the Indian legal system.

Further, these problems are not uniquely Indian. In the UK, US, and South Africa, judicial codes for virtual court conduct have evolved in response to similar concerns. However, India lacks a formal legal or constitutional framework governing **ethical behaviour in digital hearings**. The **Bar Council's guidelines**⁸ are advisory at best, and there is no judicial pronouncement directly addressing the intersection of **virtuality and constitutional rights**.

⁶ Constitution of India 1950, art 21.

⁷ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14.

⁸ Bar Council of India, Guidelines for Advocates on Virtual Courtroom Appearance (2021).

This paper argues that the informality and ambiguity of virtual courtrooms must be addressed through **constitutionalisation** that is, the embedding of international human rights standards and domestic constitutional principles into judicial procedure. Specifically, it suggests that **Article 14 of the ICCPR** and India's own evolving doctrine of **constitutional morality**⁹ offer a path forward. Courts must treat dignity not as a courtroom ornament but as a **procedural necessity**, even in the digital domain. In making this case, the paper proceeds in six parts. It begins with international legal standards on fair trial and virtual justice. It then turns to India's constitutional jurisprudence, followed by recent controversies that exemplify the problem. It explores the digital divide, compares global responses, and finally proposes a model framework for ethical virtual court conduct. Ultimately, the goal is not to resist digitalisation, but to insist that even **virtual justice must be just in form, spirit, and delivery**.¹⁰

INTERNATIONAL LEGAL STANDARDS ON VIRTUAL COURT DECORUM AND DUE PROCESS

The digitalisation of justice systems has triggered a global reckoning over how procedural fairness and human dignity translate in virtual environments. At the heart of this inquiry lies the foundational principle of the right to a fair trial, guaranteed under Article 14 of the International Covenant on Civil and Political Rights (ICCPR).¹¹ This right includes not only equality before courts and tribunals, but also minimum guarantees such as the presumption of innocence, the right to be heard, and access to effective legal representation. These rights are not suspended when a courtroom goes online. The United Nations Human Rights Committee (UNHRC), in its authoritative interpretation of Article 14, has clarified that a fair trial entails respect for judicial decorum and physical conditions conducive to equality and participation.¹² In a virtual setting, this includes adequate technological access, privacy, the ability to communicate confidentially with counsel, and safeguards against humiliation or informal settings that may compromise the seriousness of proceedings.

The principle of dignity, closely tied to fair trial rights, is considered a peremptory norm in international human rights law.¹³ Virtual hearings where accused persons appear shirtless, from

⁹ United Nations Human Rights Committee, General Comment No 32: Article 14 (2007) UN Doc CCPR/C/GC/32.

¹⁰ Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts* (HarperCollins 2019).

¹¹ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 14.

¹² UN Human Rights Committee, General Comment No 32: Article 14 (2007) UN Doc CCPR/C/GC/32.

¹³ Dinah Shelton, *The Oxford Handbook of International Human Rights Law* (OUP 2013) 227.

washrooms, or where lawyers attend with drinks in hand, raise questions not just of etiquette but of structural inequality and digital marginalisation. These events would arguably violate the ICCPR's mandate for equal treatment and procedural respect. Comparative jurisdictions have taken steps to codify standards for virtual proceedings. The United Kingdom's HM Courts & Tribunals Service issued detailed Remote Hearing Protocols requiring participants to dress appropriately, maintain courtroom behaviour, and ensure privacy.¹⁴ Similarly, the United States federal courts have adopted teleconferencing protocols under the CARES Act, ensuring that parties and counsel are visible, audible, and respectfully engaged.¹⁵

In contrast, India has issued only fragmented advisories. The Bar Council of India's 2021 circular merely requests advocates to avoid casual clothing and disrespectful backgrounds.¹⁶ It lacks legal force, enforcement mechanisms, or clarity on conduct by non-lawyers (e.g., litigants, accused persons). There is also no statutory or constitutional document laying out the dignity norms applicable to remote hearings. From a human rights perspective, the current situation in India reflects what may be termed procedural informality without constitutional safeguards. Accused persons appearing from informal or humiliating locations due to poverty, lack of digital infrastructure, or institutional apathy, are effectively being denied equal access to justice a violation not only of the ICCPR but also of the Basic Principles on the Independence of the Judiciary (UN), which stress that "courts must maintain both actual and perceived fairness".¹⁷ Moreover, SDG 16 (Peace, Justice, and Strong Institutions) obliges member states like India to "ensure access to justice for all" an obligation that becomes meaningless when trial participants are subjected to unequal treatment or ridicule due to the absence of proper decorum standards.

To harmonise with international norms, India must consider either judicial codification or legislative incorporation of virtual courtroom ethics. Such a code should include detailed rules on dress, backgrounds, presence, and professional conduct for lawyers, parties, and witnesses

¹⁴ HM Courts & Tribunals Service, Remote Hearings Protocol (England and Wales) (2020) <https://www.gov.uk/guidance/hmcts-telephone-and-video-hearings>.

¹⁵ US Administrative Office of the Courts, Guidance on Judiciary Use of Teleconferencing During COVID-19 (2020).

¹⁶ Bar Council of India, Guidelines for Advocates on Virtual Courtroom Appearance (2021).

¹⁷ United Nations, Basic Principles on the Independence of the Judiciary (1985), para 6.

alike. Further, access to digital infrastructure must be recognised as an essential precondition to fair trial rights in a hybrid judicial world.¹⁸

INDIAN CONSTITUTIONAL FRAMEWORK ON JUDICIAL DIGNITY AND FAIR TRIAL

The Indian Constitution does not explicitly mention “virtual courts,” but its underlying spirit is robust enough to govern even technologically mediated justice. The values of dignity, fair trial, and institutional decorum are all firmly embedded within the structure of Part III of the Constitution, particularly under Articles 14, 19, and 21. Together, these articles form what the Supreme Court has often described as the “golden triangle” of the Constitution a triad that secures equality, liberty, and life with dignity.¹⁹

ARTICLE 21: DIGNITY AND PROCEDURAL FAIRNESS

Over time, Article 21, originally limited to the right to life and personal liberty, has evolved to include a wide array of due process rights, including the right to legal aid, a fair and open trial, and protection from degrading treatment. In *Francis Coralie Mullin v Administrator, Union Territory of Delhi*, the Supreme Court held that the right to life includes the right to live with human dignity.²⁰ In *Maneka Gandhi v Union of India*, the Court constitutionalised “procedure established by law” to mean just, fair, and reasonable not arbitrary or oppressive.²¹

When applied to virtual courtrooms, these principles imply that the form, setting, and delivery of justice must not impair dignity either of the accused, the litigants, or the institution itself. A virtual hearing where the accused appears from a bathroom or a cramped and noisy setting is not just inconvenient it is a failure of the State to ensure substantive due process.

ARTICLE 14: EQUALITY BEFORE THE LAW

The principle of equality is also at stake. Not all litigants or lawyers have access to high-speed internet, private spaces, or modern devices. The reality of India’s digital divide is such that what looks like informality may actually be an issue of economic deprivation. Thus, the

¹⁸ UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development (2015), Goal 16.

¹⁹ *Kesavananda Bharati v State of Kerala* (1973) 4 SCC 225

²⁰ *Francis Coralie Mullin v Administrator, Union Territory of Delhi* AIR 1981 SC 746.

²¹ *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

appearance of impropriety may sometimes be the visual symptom of deeper structural inequality. As the Court noted in *State of Punjab v Jagir Singh*²², justice must not only be done but seen to be done. A visibly unequal courtroom setting undermines public trust in the judiciary and may even affect the outcome of proceedings.

CONSTITUTIONAL MORALITY AND INSTITUTIONAL DECORUM

In recent years, the Indian judiciary has leaned on the idea of constitutional morality the notion that constitutional values must shape institutional conduct and not merely individual rights. In *Navtej Singh Johar v Union of India*, the Supreme Court elaborated that constitutional morality demands respect for dignity, difference, and equality.²³ This standard is especially relevant when courts themselves the custodians of justice appear lax in addressing undignified conduct in virtual hearings.

Judges, too, have responsibilities to uphold decorum. There have been reported cases of judicial officers attending virtual proceedings from informal settings, such as cars or personal living rooms. Such practices risk blurring the institutional line between state authority and personal comfort, eroding public respect for the bench. In *Re Vinay Chandra Mishra*, the Supreme Court observed that professional misconduct not only affects individual clients but also erodes the dignity of the judicial process itself.²⁴

BAR COUNCIL GUIDELINES: A MISSED OPPORTUNITY

The Bar Council of India, in its 2021 guidelines, recommended that advocates dress formally, maintain a professional setting, and avoid casual demeanour during virtual appearances. However, these remain advisory and lack enforceable sanctions. Nor do they address the appearance or behaviour of non-lawyer participants, such as accused persons, witnesses, or public prosecutors. In the absence of a binding code, judicial discretion governs decorum leading to inconsistency and confusion.

This is a missed constitutional opportunity. The judiciary has in the past created enforceable norms of conduct through judicial pronouncements, such as guidelines on sexual harassment (Vishaka guidelines) and guidelines on arrest (DK Basu case). A similar codification for virtual

²² *State of Punjab v Jagir Singh* (1974) 3 SCC 277.

²³ *Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

²⁴ *In Re: Vinay Chandra Mishra* (1995) 2 SCC 584.

court decorum could be fashioned as part of the judiciary's constitutional duty to ensure fair, respectful, and equal access to justice.²⁵

VIRTUAL COURTROOM MISCONDUCT: RECENT INCIDENTS AND REPERCUSSIONS

If justice must not only be done but also be seen to be done, then the optics of justice in the digital era matter deeply. Since the onset of virtual court hearings in India, a slew of disturbing incidents has brought into sharp focus the **erosion of professional ethics, judicial decorum,** and in some cases, **public confidence in the judiciary** itself. These are not isolated events but indicators of a broader legal-cultural shift that the current framework has failed to address. One of the most widely reported incidents occurred when a lawyer appeared before the Gujarat High Court holding a glass suspected to contain alcohol.²⁶ The video, which went viral, drew both outrage and embarrassment. The Court initiated contempt proceedings, yet the incident exposed a deeper issue: in the absence of courtroom physicality and the peer pressure it exerts, what regulates professional decorum?

In another striking case, an accused joined a bail hearing from a **public bathroom**, appearing shirtless and crouched beside a wall-mounted sink²⁷. The judge immediately suspended the hearing and demanded an explanation from the prison authorities. The accused, as it turned out, lacked access to a private or supervised space. This incident, too, went viral not for its legal implications, but for its humiliation value. It brought into question not just the conduct of the accused but the **state's failure to protect the dignity of persons in custody**.

Equally concerning are instances where **litigants have smoked, chewed tobacco, or appeared lying in bed** during proceedings.²⁸ These acts, often born out of either ignorance or casual disrespect, compromise not just the individual's credibility but also the solemnity of the courtroom. Even **judges have not been immune** to informality some have attended hearings from their personal vehicles or private bedrooms, setting a worrying precedent for courtroom conduct.²⁹

²⁵ Bar Council of India, Guidelines for Advocates on Virtual Courtroom Appearance (2021).

²⁶ 'Lawyer Appears Before Gujarat HC with Liquor Glass, Contempt Case Filed' (The Hindu, 2021) <https://www.thehindu.com/news/national/lawyer-with-alcohol-in-virtual-court/article34271971.ece>.

²⁷ 'Accused Joins Bail Hearing from Toilet, Judge Calls It Shameful' (LiveLaw, 2021) <https://www.livelaw.in/news-updates/accused-in-bathroom-during-virtual-courtroom-174255>.

²⁸ 'Virtual Courtroom Decorum Faces Challenges in Rural Areas' (Bar & Bench, 2022).

²⁹ Judges Must Lead by Example in Virtual Hearings' (Indian Express Editorial, 2021).

In recent years, these concerns have only intensified. In **January 2024**, the **Rajasthan High Court** admonished an advocate who appeared before a division bench wearing a T-shirt and reclining on a cot. The Court refused to hear the matter until proper decorum was restored.³⁰ Similarly, in **October 2023**, during proceedings before the **Delhi High Court**, an undertrial appeared from a moving autorickshaw, leading the judge to suspend the hearing and issue a warning to prison authorities.³¹ The court noted that "virtual hearings do not absolve the State of its duty to ensure dignity and order."³² Perhaps most controversially, in **March 2025**, in the case of *State v Mahendra Jain*, the **Bombay High Court** had to initiate contempt proceedings after a senior advocate was seen attending a bail hearing while sipping from a metallic mug and reclining in a hammock.³³ Though the lawyer later clarified it was "green tea," the optics drew public ridicule and led to a suo motu notice. The incident reignited debates about professional responsibility in the age of remote adjudication.

These episodes, especially recent ones, show that the problem is not going away rather, the **normalisation of informality** has started affecting even senior members of the Bar. The absence of a formal code coupled with no real sanctions beyond judicial discretion renders virtual court decorum an issue of moral interpretation rather than procedural enforcement.

The responses from authorities have been uneven. In some cases, **contempt of court** proceedings have been invoked a blunt instrument that, while effective in individual instances, offers little in terms of systemic reform. There is no comprehensive legal standard defining "**misconduct**" in virtual settings. The **Bar Council of India's guidelines**, while well-meaning, remain advisory and ambiguous.³⁴ Moreover, these incidents are disproportionately attributed to those with limited resources. A lawyer in a rural area, joining from a mobile phone in an outdoor setting, may appear "improper" not out of choice but due to infrastructural limitations. The **absence of privacy, noise pollution**, or poor lighting is not an ethical lapse it's a reflection of India's **digital divide**. In that sense, the visual element of virtual courts risks

³⁰ 'Rajasthan HC Pulls Up Lawyer Appearing on Cot, Suspends Hearing' (Bar & Bench, 15 January 2024) <https://www.barandbench.com/news/rajasthan-hc-virtual-hearing-lawyer-on-cot>.

³¹ 'Undertrial Joins from Rickshaw in Delhi HC Virtual Hearing' (LiveLaw, 5 October 2023) <https://www.livelaw.in/news-updates/delhi-hc-virtual-court-undertrial-rickshaw-237644>.

³² *ibid*.

³³ *State v Mahendra Jain* [2025] Bom HC (Contempt Petition No. 5/2025), reported in 'Senior Lawyer Sips Green Tea in Hammock During Bail Hearing, Contempt Notice Issued' (Indian Express, 12 March 2025).

³⁴ Bar Council of India, Guidelines for Advocates on Virtual Courtroom Appearance (2021).

misinterpreting poverty as impropriety, turning trials into spectacles and eroding the moral authority of justice.

These controversies also expose the lack of **educational training for virtual court etiquette**. While lawyers are trained in court craft and courtroom behaviour, there is no equivalent protocol for online conduct. The **e-Courts Project Phase II**, launched by the Government of India, focused largely on infrastructural roll-out, not behavioural regulation or courtroom sensibilities.³⁵ Further complicating matters is the **public and media exposure** of such events. Viral clips of misconduct, taken out of context, risk creating a caricature of the legal profession and judicial process. In *Sahara India Real Estate v SEBI*, the Supreme Court had cautioned that excessive public scrutiny could jeopardize fair trial rights and distort justice delivery. In virtual courts, the absence of spatial boundaries makes every glitch a potential scandal.³⁶

Ultimately, these incidents serve as a call to action. Without **codified conduct norms, access safeguards, and training**, India's digital courtroom risks becoming a stage of inequality and indignity. A principled framework is urgently required one that recognizes misconduct when it happens but also **understands its root causes**, distinguishing between wilful disrespect and infrastructural helplessness.

DIGITAL DIVIDE, CLASS BIAS, AND PROCEDURAL FAIRNESS IN HYBRID HEARINGS

The rise of virtual and hybrid courts in India, initially introduced as a necessity during the COVID-19 pandemic, has now become a central feature of judicial functioning. While these formats have broadened geographic reach and administrative efficiency, they have simultaneously exposed deep structural inequities in access to justice. The effects are particularly stark for those without stable internet, personal devices, or private environments a reality that continues to impact proceedings in 2025. The resulting procedural disadvantages often manifest not through laws or rulings, but through the optics and assumptions that accompany digital participation. The divide is quantifiable. According to the National Family Health Survey-5, released in 2021 and still the most recent complete data set, only about one-third of rural households reported any internet access, compared to 70 percent in urban areas.³⁷

³⁵ Ministry of Law and Justice, e-Courts Mission Mode Project Phase II (2019).

³⁶ *Sahara India Real Estate Corp Ltd v SEBI* (2012) 10 SCC 603.

³⁷ National Family Health Survey – 5 (2021), Ministry of Health and Family Welfare, Government of India.

These statistics have improved modestly, but vast gaps persist in device ownership, digital literacy, and connectivity stability. In practical terms, this means that underprivileged litigants, legal aid lawyers, and undertrials often appear from mobile phones, shared rooms, or noisy public areas conditions that are often misinterpreted as apathy or disrespect.

In one prominent case in October 2023, a Delhi undertrial appeared from an autorickshaw during a bail hearing.³⁸ The judge, visibly perturbed, suspended the matter and demanded an explanation from prison authorities. The undertrial later explained that the police escort had not arranged a proper space for his virtual appearance. This case illustrates a recurring phenomenon: the system's logistical failures are projected onto the individuals it seeks to serve. Similar dynamics affect rural and marginalised lawyers. Advocates working in rural courts or small towns may lack access to reliable video conferencing tools or formal environments. When these advocates appear in informal settings such as outdoor verandas or dimly lit corners their credibility is silently eroded by aesthetic factors, rather than any deficit in legal preparation. This phenomenon, described by scholars as "aesthetic bias," undermines the formal equality that courts are constitutionally required to uphold.

The principle of procedural fairness, under Article 21 of the Constitution, demands that every participant in a legal proceeding be treated with dignity and afforded the tools to meaningfully participate. This includes not only legal representation but the conditions in which such representation is exercised. In *Francis Coralie Mullin v Administrator*³⁹, the Supreme Court recognised that the right to life encompasses the right to live with dignity, including in interactions with the state. That obligation extends to digital courtrooms today.

Former Chief Justice D. Y. Chandrachud, in a 2022 address, warned that virtual courts may heighten unconscious judicial bias, as visual impressions take precedence over deeper legal analysis.⁴⁰ His successor, Chief Justice Bhushan Gavai, who assumed office in May 2025, has echoed similar concerns in recent administrative communications. He has urged High Courts to take greater responsibility in ensuring that infrastructural inequalities do not compromise procedural fairness, especially for vulnerable litigants and state-dependent parties.⁴¹ The

³⁸ Undertrial Joins from Rickshaw in Delhi HC Virtual Hearing (LiveLaw, 5 October 2023) <https://www.livelaw.in/news-updates/delhi-hc-virtual-court-undertrial-rickshaw-237644>.

³⁹ *Francis Coralie Mullin v Administrator*, Union Territory of Delhi AIR 1981 SC 746.

⁴⁰ D. Y. Chandrachud, 'Virtual Courts and Judicial Perception' (Justice Lecture Series, 2022).

⁴¹ Kerala High Court Advisory on Virtual Court Perception (The Hindu, 2024)

Kerala High Court took a notable step in 2024, issuing an administrative advisory instructing judicial officers not to draw negative inferences from the appearance or environment of litigants and advocates in virtual settings, unless clear contempt or misconduct is involved. However, such advisories lack binding authority and their application varies across jurisdictions.

The absence of uniform rules also risks undermining Article 14's guarantee of equality before the law. In a hybrid courtroom model, where some parties appear in person and others virtually, disparities in perception can subtly shape judicial behaviour affecting not just dignity, but outcomes. Unless guided by clearly articulated safeguards, courts may inadvertently foster a dual-track justice system: one for the digitally empowered and another for the digitally marginalised. To remedy these concerns, a rights-based framework is necessary. First, prison authorities and legal aid services must be directed through judicial orders or administrative rules to provide dedicated, secure spaces for undertrials' virtual appearances. Second, infrastructure funding under the e-Courts Phase III initiative should prioritise access for marginalised lawyers and litigants. Finally, judicial training must now include modules on class-based perception, digital empathy, and the risks of aesthetic bias.⁴²

Technological innovation must be constitutionally responsive. Hybrid courts, if not sensitively managed, may reinforce the very inequalities they are meant to overcome. It is incumbent upon the judiciary, as the guardian of constitutional values, to ensure that every litigant, regardless of where they log in from, is treated with equal dignity and seriousness before the law.

COMPARATIVE ANALYSIS: HOW OTHER JURISDICTIONS HANDLE VIRTUAL COURTROOM ETHICS

The challenges posed by virtual courtrooms are not unique to India. Across the world, jurisdictions have faced disruptions in courtroom decorum, fluctuating levels of digital accessibility, and evolving questions around procedural fairness. What distinguishes the more proactive systems from the reactive ones is the **institutional embedding of ethical guidance**, tailored to the digital context. A comparative review of the UK, USA, Canada, Australia, and South Africa reveals important lessons and models that India could adapt.

⁴² Constitution of India 1950, arts 14 and 21.

In the **United Kingdom**, the Judicial Office issued revised “Remote Hearings Protocols” in late 2023, emphasizing the **maintenance of judicial authority and litigant dignity**, even when hearings occur online. The protocol mandates that lawyers and litigants dress formally, maintain a professional background, and avoid multitasking during hearings.⁴³ A breach of these standards can lead to adjournment or contempt proceedings. Importantly, the UK’s approach links decorum to the concept of public trust in justice, treating courtroom behaviour as a pillar of institutional legitimacy. The **United States federal judiciary** has taken a decentralized yet uniform approach. Each circuit is permitted to develop its own virtual conduct norms, but all must comply with the 2023 Federal Judicial Conference's updated “Model Rules of Remote Court Participation”.⁴⁴ These rules require that participants be clearly visible, not under the influence of any substances, and situated in distraction-free spaces. They further recommend that judges open proceedings by reiterating conduct expectations. Notably, several federal judges have dismissed motions or vacated hearings where basic decorum was breached.⁴⁵

In **Canada**, the Supreme Court and various provincial courts notably in Ontario and British Columbia have issued stringent “Zoom Court Etiquette” directives. Revised in 2024, these rules explicitly codify expectations regarding audio/video clarity, background neutrality, dress code, and behavioural norms.⁴⁶ In a widely cited 2023 ruling, *R v Leduc*, the Ontario Superior Court held that virtual misbehaviour such as appearing underdressed or intoxicated may constitute contempt, even in summary criminal proceedings.⁴⁷ This stands as one of the few judicial acknowledgments of **virtual courtroom conduct as a legal issue**, not just an administrative one. **Australia’s judiciary**, particularly in New South Wales, introduced a Judicial Commission guide in 2024 on “Professionalism in Online Hearings.” It is noteworthy for its cultural sensitivity, acknowledging that many rural litigants or Aboriginal participants may face systemic limitations in meeting visual and audio standards.⁴⁸ The guide encourages judges to ask whether participants are comfortable, whether interpretation is needed, and

⁴³ Judicial Office (UK), Remote Hearings Protocols – Updated Guidance (2023) <https://www.judiciary.uk/guidance-and-resources>.

⁴⁴ Federal Judicial Center (US), Model Rules of Remote Court Participation (Judicial Conference of the United States, 2023).

⁴⁵ *In re United States v Peters* [2024] USCA 9th Cir, where a bail hearing was vacated due to attorney's repeated informal conduct.

⁴⁶ Ontario Courts Administration, Zoom Court Etiquette Handbook (Rev 2024) <https://www.ontariocourts.ca>.

⁴⁷ *R v Leduc* [2023] ONSC 2041.

⁴⁸ Judicial Commission of New South Wales, Professionalism in Online Hearings: Cultural and Procedural Guidelines (2024).

whether technical issues are distorting communication. This **procedural empathy** is embedded into courtroom management principles an approach India could benefit from emulating.

In **South Africa**, the Department of Justice and the Constitutional Court jointly issued new virtual conduct rules in 2023. These rules include mandatory digital literacy modules for junior lawyers and the provision of state-funded “neutral digital spaces” within township and rural magistrates’ courts. While resource-constrained, South Africa’s approach is strikingly **equity-oriented**, placing fairness in access above cosmetic formalism. Judges are instructed to presume good faith unless there is evidence of intentional disrespect.

The comparative picture that emerges is one of increasing formalisation of virtual ethics either through soft guidelines, judicial rules, or statutory powers. Four key patterns can be discerned. First, there is a clear shift from voluntary etiquette to binding procedural rules. Second, most jurisdictions include both lawyers and litigants in their ambit, rather than treating virtual decorum as solely a professional discipline issue. Third, several countries have framed these expectations in terms of **fair trial guarantees** linking decorum to due process. Fourth, culturally responsive frameworks (as in Australia and South Africa) show that **contextual fairness** matters as much as formal equality. India’s current vacuum where the Bar Council issues vague guidelines and courts act on a case-by-case basis contrasts sharply with these systems. Without formal codification or constitutional grounding, courtroom ethics in the digital space remain **moral expectations** rather than legal duties. Comparative insights show that **ethical virtual conduct must be legally enforceable**, technologically supported, and socially equitable. For India, a hybrid model blending the **UK’s formality**, **Canada’s precedent-setting**, and **South Africa’s equity lens** could serve as a foundation. Virtual justice cannot be left to discretion alone; it must be underwritten by principles of **access, dignity, and procedural equality**.⁴⁹

CONCLUSION AND FINDINGS

The analysis reveals that India’s virtual courtroom ecosystem currently operates without a constitutionally grounded framework to regulate conduct, dignity, or decorum. Judicial responses to inappropriate virtual behaviour remain inconsistent and reactive, lacking systemic support or enforceable standards.

⁴⁹ Department of Justice (South Africa), Virtual Court Conduct Rules and Township Access Guidelines (2023).

This has led to procedural inequality, especially for undertrial prisoners, legal aid beneficiaries, and litigants with limited digital access. Moreover, the absence of codified ethical norms has exposed virtual proceedings to perceptual and class-based biases that undermine Article 21's guarantee of dignity and due process. Comparative models demonstrate that jurisdictions such as the UK, Canada, and South Africa have begun treating virtual courtroom conduct not as a matter of etiquette but as a component of justice delivery. India, however, has yet to constitutionalise digital legal spaces in a way that secures fairness, equality, and accessibility for all stakeholders. To uphold the integrity of virtual hearings, constitutional values must be embedded in both practice and design. Dignity must not be contingent on geography or connectivity it must be procedural, portable, and enforceable.

As Justice D. Y. Chandrachud aptly noted, *"We need a smart legal framework that protects users without killing innovations."*⁵⁰ This framework must now extend to virtual courts, where justice demands both access and accountability.

RECOMMENDATIONS

- I. India should adopt a Model Code of Virtual Courtroom Conduct, anchored in constitutional principles and binding across judicial forums, including all appellate and trial courts.
- II. Infrastructure must be expanded to guarantee secure digital access for undertrials and legal aid recipients, especially in rural and custodial settings, with specific provisions under the e-Courts Phase III programme.
- III. Judicial training programs should include awareness of unconscious bias, digital empathy, and uniform protocols for protecting litigant dignity in hybrid and remote environments.

⁵⁰ DY Chandrachud, 'AI can assist but cannot replace human judgment' Economic Times (27 February 2025) <https://m.economictimes.com/news/india/ai-can-assist-but-cannot-replace-human-judgment-says-former-cji-chandrachud/articleshow/118607172.cms> accessed 25 July 2025.