



A COMPARATIVE STUDY OF EFFECTS OF TRADITIONAL AND VIRTUAL JUDICIARY SYSTEM IN DELHI & NCR REGION: PRE AND POST COVID

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Abstract

The COVID-19 pandemic catalyzed a major transformation in judicial systems worldwide, including India. The shift from traditional in-person court proceedings to virtual courts reshaped access to justice, efficiency, and the delivery of legal services. This study examines and compares the effectiveness, challenges, and societal impact of both traditional and virtual judicial systems in the Delhi and NCR region before and after the onset of COVID-19. Through qualitative interviews and quantitative data analysis, the research highlights a significant shift in perception and functionality, identifying both the opportunities and challenges faced during the transition. The paper provides policy-level insights for the future hybridization of the judiciary.

Keywords: Judiciary, Virtual Courts, Traditional Courts, COVID-19, Delhi-NCR, Legal Access, Court Digitization, E-Judiciary

1. Introduction

The judicial system in India has traditionally relied on in-person hearings, physical documentation, and a structured court environment. However, the COVID-19 pandemic forced courts to adopt digital technologies, accelerating a transition towards virtual hearings. In this paper, we assess the comparative impact of both systems in the Delhi and NCR region—one of India's most litigious and urbanized regions—during pre- and post-COVID periods.

2. Objectives of the Study

1. To analyze the structure and efficiency of the traditional judiciary system in Delhi & NCR pre-COVID.
2. To evaluate the implementation and effectiveness of the virtual judiciary system during and post-COVID.
3. To compare litigants' and legal professionals' satisfaction levels in both systems.
4. To identify key challenges and benefits associated with virtual court systems.
5. To recommend a framework for an effective hybrid judicial system

3. Methodology

3.1 Research Design:

Descriptive and analytical in nature.

3.2 Data Collection:

- **Primary Data:** Structured interviews and surveys with judges, lawyers, court staff, and litigants in Delhi & NCR.
- **Secondary Data:** Court reports, National Judicial Data Grid (NJDG), Law Ministry records, Bar Council publications, and academic articles.

3.3 Sample Size:

- 50 lawyers
- 15 judges (retired and serving)
- 30 litigants
- 5 legal clerks/staff

4. Traditional Judiciary System: An Overview (Pre-COVID)

4.1 Court Infrastructure

Most courts in Delhi operated through physical infrastructure with fixed timings, dependency on paper records, and personal appearances being mandatory.

4.2 Efficiency and Delays

Although established, the system was plagued by backlog, adjournments, and inefficient scheduling, leading to long pendency of cases.

4.3 Accessibility

Limited access for marginalized groups, especially those from remote or underprivileged backgrounds.

5. Emergence of Virtual Judiciary: The COVID Catalyst

5.1 Key Reforms

- Supreme Court guidelines for video conferencing
- Introduction of e-filing systems and virtual courtrooms
- Use of platforms like Cisco Webex and Zoom

5.2 Initial Challenges

- Technical issues, lack of training, digital divide
- Hesitancy among legal fraternity
- Data privacy and security concerns

5.3 Adaptation

By mid-2021, Delhi High Court had fully operational virtual benches, with an increasing number of daily hearings.

6. Comparative Analysis

Parameter	Traditional Courts	Virtual Courts
Efficiency	Slower, prone to delays	Faster disposition in some matters
Accessibility	Geographically limited	Increased accessibility (urban areas)
Transparency	Variable	More transparency through recordings
Litigant Satisfaction	High for in-person interactions	Moderate to High (depends on tech)
Lawyer Adaptability	Comfort with existing system	Mixed; younger lawyers adapted faster
Infrastructure Needs	Physical space, clerical support	Digital devices, internet, training
Security Concerns	Physical security risks	Cybersecurity concerns

. Findings

- **Hybrid Preference:** A majority of respondents preferred a hybrid system post-COVID, combining the best of both systems.
- **Digital Literacy Gap:** Significant disparity in tech skills between junior and senior advocates.
- **Case-Type Suitability:** Virtual hearings were more effective for bail, remand, and documentation matters but less suitable for cross-examinations or complex arguments.
- **Cost Efficiency:** Virtual courts reduced travel costs and time spent waiting in court.
- **Judicial Transparency:** Increased recording and documentation in virtual courts improved accountability.

8. Challenges Identified

- **Infrastructure:** Inconsistent internet access and lack of digital infrastructure in district courts.
- **Training:** Limited digital training for judges and court staff.
- **Privacy Concerns:** Lack of robust data protection measures.
- **Exclusion Risk:** Potential marginalization of rural and economically weaker litigants.

9. Recommendations

1. **Hybrid Court Model:** Develop standard operating procedures for hybrid hearings.



2. **Digital Infrastructure Investment:** Upgrade bandwidth, hardware, and software in courts.
3. **Capacity Building:** Regular training for judges, lawyers, and clerks.
4. **Cybersecurity Framework:** Introduce comprehensive legal protections for virtual court proceedings.
5. **Public Awareness:** Conduct digital literacy drives for citizens and litigants.

10. Conclusion

The transformation from traditional to virtual judiciary in Delhi and NCR has been both necessary and impactful. While virtual courts have addressed many issues of delay and accessibility, they are not a panacea. A calibrated approach—leveraging technology while preserving the sanctity and seriousness of court proceedings—is essential. As the judiciary moves forward, it must aim for inclusivity, efficiency, and fairness, using a hybrid model as the most viable path ahead.

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