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# Impact of Covid-19 on Indian Judicial System

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## ABSTRACT

*The outbreak of this pandemic disease i.e. Covid-19 is influencing litigation in numerous manners and has additionally injured the courts the nation over as judges, lawyers and litigants are attempting to accomplish justice under the law while adjusting open security. The quick spread of this infection has prompted the shutting down of Courts and Tribunals in the nation to maintain a strategic distance i.e social distancing from human affiliation and to check the spread of novel coronavirus in the nation. In any case, the Central Government and Judiciary has found a way to give alleviation to the individuals who are confronting this uncommon test. Despite the fact that the courts have been closed down, the Hon'ble Supreme Court of India has chosen to take up urgent issues by means of virtual procedures with the goal that the adv. and litigants don't need to show up genuinely in the court in this current circumstance. The Hon'ble Supreme Court of India has additionally guided the separate Bars to advance virtual procedures and e-filing. Indeed, even the Courts suo-moto, taking cognizance of the difficulties being looked by the lawyers to introduce under the steady gaze of the Court truly for documenting of separate Appeals, Petitions, and so forth and has expanded the time of constraint until its further order, with this, would like to battle against coronavirus.*

## I. INTRODUCTION

The coronavirus is a group of infections that can cause a scope of diseases in people including normal cold and increasingly extreme structures like SARS and MERS which are perilous. The infection is named after its shape which appears as a crown with distensions around it and consequently is known as coronavirus.

A great many people contaminated with the COVID-19 infection will encounter mellow to direct respiratory ailment and recoup without requiring uncommon treatment. More seasoned individuals, and those with basic clinical issues like cardiovascular ailment, diabetes, constant respiratory ailment, and malignant growth are bound to create genuine sickness.

The most ideal approach to forestall and hinder transmission is being all around educated about the COVID-19 infection, the malady it causes and how it spreads. Shield yourself as

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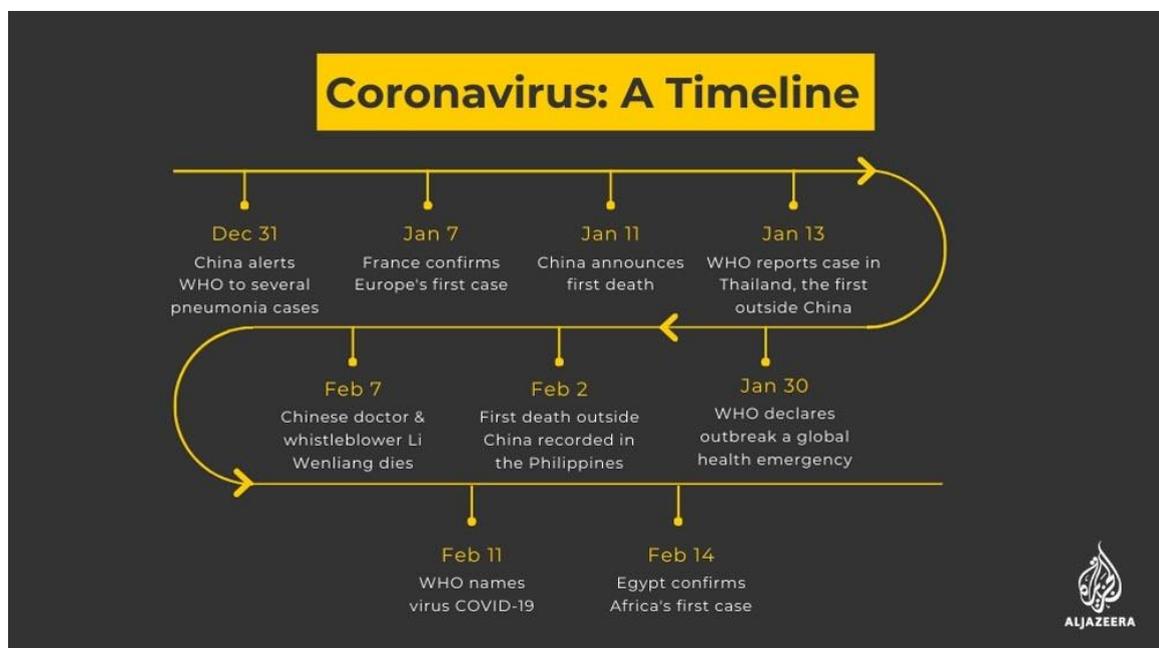
well as other people from contamination by washing your hands or utilizing a liquor based rub every now and again and not contacting your face.

The COVID-19 infection spreads essentially through beads of spit or release from the nose when a tainted individual hacks or snuffles, so it's significant that you additionally practice respiratory behavior (for instance, by hacking into a flexed elbow).

As of now, there are no particular immunizations or medications for COVID-19. In any case, there are numerous continuous clinical preliminaries assessing potential medicines. WHO will keep on giving refreshed data when clinical discoveries become accessible.<sup>2</sup>

Coronavirus malady or COVID-19 which was first distinguished in Wuhan, China, is another strain that has not been recently recognized in people. It is zoonotic, along these lines can be transmitted among creatures and people. COVID-19 has contaminated 30,66,000+ individuals and has asserted 2,57,000+ lives internationally. The regular indications of this disease incorporate respiratory side effects, fever, hack, brevity of breath and breathing troubles. In progressively extreme cases, the contamination can cause pneumonia, serious intense respiratory condition, kidney disappointment and even passing.

**Figure no. 1**<sup>3</sup>



## Symptoms

COVID-19 influences various individuals in various manners. Most contaminated individuals

<sup>2</sup> Article available on the site of WHO, < [https://www.who.int/health-topics/coronavirus#tab=tab\\_1](https://www.who.int/health-topics/coronavirus#tab=tab_1) > (viewed on 06.05.2020)

<sup>3</sup> <<https://www.aljazeera.com/news/2020/01/china-coronavirus-500-words-200127065154334.html>> (viewed on 06.05.2020)

will create mellow to direct disease and recoup without hospitalization.

*Most common symptoms:*

1. fever.
2. dry cough.
3. tiredness.

*Less common symptoms:*

1. aches and pains.
2. sore throat.
3. diarrhea.
4. conjunctivitis.
5. headache.
6. loss of taste or smell.
7. a rash on skin, or discoloration of fingers or toes.

*Serious symptoms:*

1. difficulty breathing or shortness of breath.
2. chest pain or pressure.
3. loss of speech or movement.

On average it takes 5–6 days from when someone is infected with the virus for symptoms to show, however it can take up to 14 days.<sup>4</sup>

### **Stages of Coronavirus (Covid-19)**

1. **Coronavirus: Stage 1 (Imported and sporadic cases):** According to WHO, in this stage, there are no cases while as per ICMR in this stage, the illness is acquainted with the populace. Individuals who have a movement history to influenced nations turned into the transporters for the infection for India.
2. **Coronavirus: Stage 2 (Local Transmission):** According to WHO, in this stage, the sickness is irregular and is either imported or privately recognized and according to ICMR likewise, neighborhood transmission of the infection happens. This implies

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<sup>4</sup> < [https://www.who.int/health-topics/coronavirus#tab=tab\\_3](https://www.who.int/health-topics/coronavirus#tab=tab_3) > viewed on 06.05.2020)

individuals who have a movement history to influenced nations transmitted the malady to the individuals they interacted with. India is right now in this phase of COVID-19.

3. **Coronavirus: Stage 3 (Community Transmission):** According to WHO, a bunch of cases are recognized develop in time, land area or through normal introduction. As indicated by ICMR, this stage is intense as the individuals who neither have any contact with the contaminated individual or have any movement history to influenced nations become tainted with the malady. In this stage, it is almost difficult to break the chain of transmission as the individuals contaminated have no idea about how they got tainted.
4. **Coronavirus: Stage 4 (Epidemic):** As per WHO, in this stage, larger outbreaks of local transmission occur and ICMR also states that it is the stage where the disease leads to an epidemic within the population.

These were the four phases of coronavirus and India is at present in stage two. The cases in India are expanding at a fast rate. To battle and to contain the spread of the exceptionally infectious infection, India is as of now under *lockdown 3.0* countrywide lockdown, as declared by Prime Minister Modi.

### **Steps Taken by India:**

1. The govt. has requested lockdowns in various locale the nation over to help contain the infection.
2. States across quite a bit of India have closed down schools, universities, shopping centers, theaters and dropped games. Delhi is one or various urban communities that have restricted all social occasions and shut all organizations that are considered unimportant.
3. Indian residents have been encouraged to stay away from all movement abroad that isn't carefully important. In the interim, visas for outsiders have been suspended until mid-May.
4. India's Supreme Court has permitted the initiation of procedures through video conferencing to permit the legitimate framework to proceed through the Coronavirus pandemic.

## **II. IMPACT ON INDIAN JUDICIAL SYSTEM**

As far as the quantity of enlisted Covid-19 information over the world, India lies at the base

of the rundown. In any case, over the most recent couple of weeks, India has seen a fast increment in the quantity of affirmed coronavirus cases. Subsequently, there lies a likelihood that India may observe an extreme flare-up of this pandemic ailment inside a brief timeframe if its spread is left unchecked.

Remembering the worldwide flare-up of this infection and the developing number of cases in India, our legal framework has found a way to control the spread of this infection inside India. A few Courts and Tribunals in India have somewhat closed down and just earnest hearing will be done so as to maintain a strategic distance from human interface. Numerous Courts and Tribunals have likewise given course for shutting down recording counters and lawyer's chambers. Attributable to this current circumstance, the Supreme Court of India has likewise chosen to advance virtual court procedures, e-recording to keep legal counselors from coming to courts which thus will help evade the transmission of the infection.

In spite of the fact that the courts are actually at present shut, new cases keep on being filed a considerable lot of them electronically. This implies new cases are being added to India's vigorously overburdened legal framework through the lockdown, further stressing the overburdened judges and expanding pendency times of cases. Figures postponed by the administration this year show India has 20 appointed authorities for every one million residents. This is not exactly a large portion of the 50 appointed judges for every million population suggested by the Law Commission in 1987. A few appraisals recommend there are more than 3 crore pending cases in India, more than 60,000 of which are in the Supreme Court alone.

A three-judge bench of *Chief Justice S A Bobde, Justice L. Nageswara Rao and Justice Surya Kant*, has practiced its capacity conceded under Article 142 read with Article 141 of the Constitution of India and expanded the time of confinement for filing appeals, petitions, suits and every single other continuing in Courts and Tribunals attributable to this genuine flare-up of the pandemic.

The Hon'ble Apex Court has broadened the time of confinement in the documenting filing of petitions, advances, suits, applications, and every single other continuing in the wake of taking suo moto cognizance of the present circumstance in the nation and the difficulties being looked by the attorneys to go to the Courts genuinely for recording of petitions, applications, suits, claims, and every other continuing inside the time of constraint endorsed under the general law of restriction or Special Laws (both Central and additionally State).<sup>5</sup>

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<sup>5</sup> Suo Moto Writ Petition (Civil) No. 3/2020

Article 142 of the Constitution of India gives inborn capacity to the Supreme Court of India to pass any such decree or order as is essential for doing finish equity in any cause or matter pending before it. Article 141 states that the choice of the Supreme Court would be authoritative upon different courts in India.

The Hon'ble Court vide Order dated 23.03.2020 has directed as under: -

*"it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings".*

It said the Supreme Court and HCs are as of now directing proceedings by means of videoconferencing and that different courts also should utilize the innovation. "It is important that courts at all levels react to the call of social separating and guarantee that court premises don't add to the spread of infection," the bench said.

Appeals, Petitions, Suits or whatever other continuing which are to be time-banned if not recorded under the watchful eye of the individual Courts or Tribunals will be considered to have been stretched out in this current circumstance until the Hon'ble Court passes any further request.

The Court has taken suo moto cognizance of the circumstance that because of the lockdown, routine issues have been deferred to specific dates in the long stretch of April 2020 as lawyers were not in the situation to show up in their matter remembering the issues for which stay, bail and parole have been conceded by the Courts.

Lawyers additionally stress that cases that were booked to be heard in the period set apart by the lockdown will be additionally postponed, contending that this will give those blamed for tricks and financial misappropriations more opportunity to play foul with the proof. Notwithstanding, the defer cuts the two different ways - some blamed, for example, those in prison pending bail procedures, should spend longer in guardianship than would somehow or another be the cases.

Non-urgent cases deferred for increasingly urgent issues during circumstances such as the present will likewise endure deferrals of equity. Lawyers additionally state that when the courts do revive, the spate of new cases will likewise build pendency times. New cases commonly first show up under the watchful eye of the courts in the days following being filed, with notice cases and afterward old cases showing up on lists. Courts for the most part take up existing procedures simply in the wake of managing recently documented issues. In

this manner, the extra case load is required to increment legal pendency times.

The district courts are in a more prominent risk during the hour of this pandemic emergency, complemented by their current infrastructural issues. Litigation, as we probably are aware it today, isn't helpful for the 'work from home' model, which is turning into a standard in the hours of coronavirus. Cases require lawyers and gatherings to make a trip to the courts, and frequently travel between different legal discussions. maintaining social distance, another significant method to help contain the infection, isn't an alternative. Family courts are likewise locales where the infection may spread. The gatherings are frequently approached to be available in separate from procedures for each hearing. Given the current conditions, the framework will accidentally become complicit in making a health hazard for the staff, lawyers and the gatherings themselves.<sup>6</sup>

A significant question is whether this will proceed after the lockdown is lifted. A few advocates like Supreme Court Adv. and Rajya Sabha MP *K.T.S. Tuls*i state the courts ought to do as such. "On the off chance that a lawyer sitting in Chennai can argue his case [through video conferencing] and the Supreme Court can give a choice, for what reason should it not proceed?" he contends. "This will help speed up equity." Supreme Court Advocate Virag Gupta says that such hearings imply that the Supreme Court is "neither shut nor open," additionally saying that virtual hearings will accelerate the procedure of equity in India.

He distinguishes a few outstanding turns of events, for example, the documenting of claims on the web and the procedures being executed for legitimate notification to be given carefully. Gyanant Singh, another Supreme Court attorney, says that the lockdown has constrained the Indian legal framework to embrace current innovation, saying that this will likewise diminish the necessary authoritative assets, such those associated with the introduction of imprisoned denounced to the courts.

**(A) RECENT UPDATE REGARDING VIDEO CONFERENCING:**

The High Court of Delhi Rules for Video Conferencing for Courts 2020 license open survey of court proceedings, the Registrar General of Delhi High Court said in a roundabout on Saturday.

"So as to watch the necessity of an open court proceeding, members of the public will be permitted to see court hearings directed through video conferencing, aside from proceedings ordered for reasons recorded as a hard copy to be led in-camera," circular said.

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<sup>6</sup> Article by Sandhya D <<https://theprint.in/opinion/corona-is-a-wake-up-call-for-indian-courts-they-arent-equipped-to-function-in-a-crisis/389224/>>

It said that the court will attempt to make accessible adequate connections, steady with accessible transfer speed, for getting to the proceedings.

The Registrar General, in the circular, said that the connections will be offered for open survey insofar as the soundness of the framework isn't upset and is steady with the accessible data transfer capacity.

"Accordingly, each one of the individuals who are keen on getting joins for survey court hearings can contact the concerned court ace/court official on their cell phone numbers distributed in the reason list, in the exceptionally least, by 9 pm on the day preceding the date of hearing," the round said.

Nonetheless, it said that if in any capacity whatsoever contact with the concerned court ace/court official isn't made by 9 pm on the date before the date of hearing fixed in the issue, at that point, the individual looking for a connection ought to connect with the court ace/court official by 10 am upon the arrival of the conference.

No solicitation will be engaged once the consultation has started aside from with the authorization of the court and the individuals who are given a connection for survey the court proceedings will guarantee that their mic is kept on quiet mode and the video on switch-off mode, it included.

**(B) PRACTICAL HURDLES FACED BY COURTS IN INDIA:**

1. Courts are very overcrowded, people from different places come to the court,
2. It effects the mandatory services/ receiving services,
3. If we talk about execution of documents/instruments and signing and attestation of affidavits, then there is always a physical touch by both receiver as well as the giver.
4. for litigants based overseas in countries under lockdown, it would not be possible to execute documents, get them apostilled and dispatch them to or from India, which would inevitably affect the period of limitation and filing may not be possible within the prescribed period,
5. Advocates/Juniors/Court clerks go to the Court to find out the next date of hearing or an adjournment in the matters deemed as non-urgent, though in some cases it has been directed that mentioning be done through email or telephony.

To overcome these practical hurdles, court proceedings are done via electronic medium.

### **III. CONCLUSION**

The outbreak of this pandemic disease i.e. Covid-19 is influencing litigation in numerous manners and has additionally injured the courts the nation over as judges, lawyers and litigants are attempting to accomplish justice under the law while adjusting open security. The quick spread of this infection has prompted the shutting down of Courts and Tribunals in the nation to maintain a strategic distance i.e social distancing from human affiliation and to check the spread of novel coronavirus in the nation. In any case, the Central Government and Judiciary has found a way to give alleviation to the individuals who are confronting this uncommon test. Despite the fact that the courts have been closed down, the Hon'ble Supreme Court of India has chosen to take up urgent issues by means of virtual procedures with the goal that the adv. and litigants don't need to show up genuinely in the court in this current circumstance. The Hon'ble Supreme Court of India has additionally guided the separate Bars to advance virtual procedures and e-filing. Indeed, even the Courts suo-moto, taking cognizance of the difficulties being looked by the lawyers to introduce under the steady gaze of the Court truly for documenting of separate Appeals, Petitions, and so forth and has expanded the time of constraint until its further order, with this, would like to battle against coronavirus.

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